(2) Are the staff members of the Thungabhadra Sugar Works (P) Ltd., Shimoga entitled to leave facilities at the following rate ?

(a) Privilege leave 24 days per year.
(b) Casual leave 12 Do
(c) Sick leave 12 Do
(d) In case of National Holidays fall on Sundays or on Weekly off-days, one day compensatory off shall be given on the subsequent day.

If not, what should be the quantum of leave ?

(3) Are the staff Members of the Thungabhadra Sugar Works (P) Ltd., Shimoga, entitled to 16 per cent of their annual wages as balance of bonus for the year 1 64-65 ? If not what should be the quantum of balance of bonus ?

(4) Is Sri Meer Mohamed, Cane Yard Supervisor, entitled to Gr. 105-6-135-EB-*i*-170 *plus* Dearness Allowance and be classified as semi-skilled 'B' ?

If not, is he entitled to any other relief?

[No. ECL 418 LD 67.]

By Order and in the name of the Governor of Mysore,

1141 G. G. PUROHIT, *Under Secretary.*

ORDER

Bangalore, dated the 22nd September 1967.

S. O. 1869.—WHEREAS the Government of Mysore are of opinion that an Industrial Dispute exists between the Workmen and the Management of Mysore Chemicals and Fertilisers Ltd., Post Box No. 8, Vani Vilas Road, Mysore-4, on the points noted below:

AND WHEREAS the Government of Mysore consider it desirable to refer the dispute for adjudication;

NOW THEREFORE, in exercise of the powers conferred by clause (c) of sub section (1) of Section 10 of the Industrial Disputes Act, 1947, (Central Act No. XIV of 1917) the Government of Mysore hereby refer the said dispute for adjudication to the Labour Court at Bangalore.

Points of Dispute

"Is the Management of Mysore Chemicals and Fertilisers Ltd., (Administrative Offices), Mysore justified in terminating the services of Sri S. Narasimhaswamy, Typist? If not, is the worker entitled to reinstatement with back wages and continuity of service? or to any other relief?

[No. FCL 420 LLD 67.]

By Order and in the name of the Governor of Mysore,

1152 G. G. PUROHIT, *Under Secy.*

ORDER.

Bangalore, dated 27nd September 1967.

S. O. 1870.—WHEREAS the Government of Mysore are of opinion that an Industrial Dispute exists between the Workmen and the Management of M/s. Ganesh Saw Mills, Urva, Mangalore, on the points noted below;

AND WHEREAS the Government of Mysore consider it desirable to refer the dispute for adjudication;

NOW, THEREFORE, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Labour Court at Hubli.

Points of Dispute.

"I. Is the Management of M/s. Ganesh Saw Mills, Urva, Mangalore justified in dismissing the services of Sri G. K. Gangadhara, Carpenter by their notice dated 6th November 1966?

II. If not, to what relief is the said worker entitled to?

[No. FCL 567 LLD 67.]

By Order and in the name of the Governor of Mysore,

1151 G. G. PUROHIT, *Under Secy.*

COMMERCE AND INDUSTRIES SECRETARIAT

NOTIFICATION.

Bangalore, dated 18th September 1967.

S. O. 1871.—In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1967, and after obtaining the approval of the Government of India, accorded under Sub-section (2) of Section 5 of the Said Act. the Government of Mysore are pleased to sanction the grant of a Prospecting Licence for Iron and Manganese Ore to Shri P. S. Doddannavar in the following areas of the Supa Taluk, North Kanara District, on the terms and conditions mentioned below.

Village	*S. Nos.*	*Area*
Kundur and Dongarwada.	as per sketch.	256. Acres (103.60 hectares)

(As delineated in the plan as furnished by the Department of Mines and Geology.)

Terms and Conditions:

1. The licence shall be operative for a period of Two years with effect from the date of execution. The option to renew the license for a further period shall be reserved to Government.

2. The licensee shall pay to Government a prospecting fee of Rs. 3-50 per hectare of the land covered by the licence for each year or portion of a year;

3. The quantity of ore to be removed under this licence, both on payment of royalty and free of royalty, shall be in accordance with the limits prescribed under Rule 14 (ii) and (iii) and under Schedule III respectively of the Mineral Concession Rules, 1960. The royalty payable on the minerals shall be in accordance with the rates prescribed in Second Schedule to the Mines and Minerals (Regulation and Development) Act, 1957, and as amended from time to time;

4. The licensee shall make available to the Government of India beryl or any other 'substance prescribed' under Section 3 of the Atomic Energy Act No. XXIX of 1948, if they occur in the property under licence;

5 The licence shall be subject to the rules issued under Sections 13 and 18 of the Mines and Minerals (Regulation and Development) Act, 1957 (No. 67 of 1957);

6 If any other mineral is traced during the course of prospecting, the licensee shall report about the same to the Director of Mines and Geology and shall not work such mineral without obtaining prior permission of Government.

7 The licensee shall furnish an accurate final map of the areas covered by the licence together with a description, giving the situation and boundaries of the areas duly attested by the licensee. The Director of Mines and Geology is authorised to get the accurate final map with survey numbers, etc., prepared and demarcation done before executing the licence if the licensee so desired and to recover the cost of the same from the licensee.

8 The licensee shall, before the deposit is returned to him submit confidentially to the Director of Mines and Geology from time to time or whenever required a full report of the work done by him and disclose all information acquired in the course of the operations carried on under the licence regarding the geology and mineral resources of the area covered by the licence;

9. The licensee shall allow any officer authorised by the Central Government or the State Government to inspect at any time the area covered by the Prospecting licence as also any accounts, plans and records maintained by him.

10. The licensee shall, before the licence is issued to him, deposit as security a sum of Rs. 200 in respect of every square kilometre or part thereof for which the licence is granted for due observance of the terms and conditions of the licence;

11. The licensee shall engage a qualified geologist or a Mining Engineer to conduct the prospecting methodically; and

12. The licensee shall not give any ore-raising contract during the prospecting stage;

13. The area mentioned above is subject to verification after actual survey and subject to the special condition that;

14. the licensee shall have no right to claim any compensation from Government if the area gets submerged consequent to the execution of Kalinadi Hydro Electric Project before the expiry of the licence.

(No. CI 81 EPI 67.)

By Order and in the name of the Governor of Mysore,

1057 N. NARAYANASWAMY, *Under Secy.*

PUBLIC WORKS AND ELECTRICITY SECRETARIAT.

CORRIGENDUM

Bangalore, dated 19th September 1967.

S. O. 1872.—In Notification No. PWD 208 EEB 67, dated the 19th July, 1967 for the word "9th August 1967" read "10th August, 1967".

[No. PWD 236 EEB 67.]

By Order and in the name of the Governor of Mysore,

1119 S. BALASUBRAMANYAN, *Under Secretary.*

FOOD, CIVIL SUPPLIES AND LABOUR SECRETARIAT

ORDER.

Bangalore, dated the 25th September 1967.

S. O. 1874.—WHEREAS the Government of Mysore are of opinion that an Industrial Dispute exists between the Workmen and the Management of Hubli-Dharwar Municipal Corporation, Hubli, on the points noted below ;

AND WHEREAS the Government of Mysore consider it desirable to refer the dispute for adjudication.

NOW, THEREFORE, in exercise of the powers conferred by clause (*c*) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Labour Court at Hubli.

Points of Dispute

"1. Is the management of the Hubli-Dharwar Municipal Corporation, Hubli, justfied in stopping allowance of Sri T C. Gangal, First Division Surveyor, from May 1966 and in transferring him as Surveyor-*cum*-clerk from 12th September 1966 ?

2. Is Sri T. C. Gangal entitled to be transferred back as First Division Surveyor and get cycle allowance of Rs. 10–00 per month with retrospective effect from the date it was stopped ? If not, what other relief, if any, is he entitled to ?"

[No. FCL 537 LLD 67.]

By Order and in the name of the Governor of Mysore,

1176 G. G. PUROHIT, *Under Secy.*

EDUCATION SECRETARIAT.

NOTIFICATION.

Bangalore, dated the 22nd September 1967.

S.O. 1875.—In exercise of the powers conferred under sub-section (3) of Section 44-A of the Mysore University (Amendment) Act, 1 57, the Government of Mysore are pleased to sanction continuation of affiliation of the Manipal Engineering College, Manipal, to the Mysore University, for teaching the following courses:

(i) I, II and III Year Classes of the B.E. Degree Five Year Integrated Course (Mysore University Scheme) with an intake of 240 students to the first year with 90 Civil, 90 Mechanical and 60 Electrical and

(ii) I, III and Final Year Classes of the B.E. Degree Course according to Karnataka University Scheme;

for a period of one year from June 1967 subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 85 UAC 67.]

By Order and in the name of the Governor of Mysore,

1159 S. N. SREENATH, *Under Secy.*

NOTIFICATION.

Bangalore, dated 22nd September 1957

S. O. 1876.—In exercise of the powers conferred under sub-section (3) of Section 44-A of the Mysore University (Amendment) Act, 1957, the Government of Mysore are pleased to sanction continuation of affiliation of the Government College, Tumkur to the Mysore University for teaching the following courses:—

(i) B.A. Degree (II and III Years).
Sanskrit, Sociology (Majors), Political Science (Minor).

(ii) B.Sc. Degree (All the three years).
Physics, Mathematics (Majors), Geology (Minor)—36 students.
Botany, Zoology (Majors), Geology (Minor),—36 students.

(iii) B.Sc., (I and II Years).
Physics, Geology (Majors), Mathematics (Minor)—32 students.
Botany, Geology (Majors), Chemistry (Minor)—16 students.

and fresh affiliation to run the B.Com. Degree course (first year) for a period of one year from June 1967 subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 77 UAC 67.]

By Order and in the name of the Governor of Mysore,

S. N. SREENATH, *Under Secy.*

1160

NOTIFICATION

Bangalore, dated 23rd—25th September 1967.

S. O. 1877.—In exercise of the powers conferred under sub-section (3) of Section 32 of the Karnatak University Act, 1949, (Bombay XX of 1949) the Government of Mysore are pleased to sanction extension of affiliation of the Arts and Science College, Karwar, to the Karnatak University for teaching History as major at B. A. Parts II and III courses for a period of two years from June 1967 subject to the conditions laid down by the Karnatak University.

[No. ED 96 UAC 67.]

By Order and in the name of the Governor of Mysore,

1661 S. N. SREENATH, *Under Secy.*

NOTIFICATION.

Bangalore, dated the 22nd September 1967.

S. O. 1878.—In exercise of the powers conferred under sub-section (3) of Section 44-A of the Mysore University (Amendment) Act, 1957 the Government of Mysore are pleased to sanction permanent affiliation of the Government College, Hassan, to the Mysore University to run the B. A. Degree Course (All the three years) with Economics, Kannada (Majors) Sociology (Minor) combination with effect from 1967-68, and fresh affiliation for the following courses for the period noted against each :—

(i) B. A. Degree (1st year) for 1967-68
Kannada, Sociology (Majors) Political Science (Minor) Kannada, History (Majors) Political Science (Minor)

(ii) B. A. Degree (1st and 2nd Years) for 1967-68 Economics, Sociology (Majors) Political Science (Minor)

(iii) B. Com. Degree (1st Year) 64 students for one year 1967-68

Subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 88 UAC 67]

By Order and in the name of the Governor of Mysore,

1172 S. N. SREENATH, *Under Secy.*

NOTIFICATION.

Bangalore, dated 22nd-25th September 1967.

S. O. 1879—In exercise of the powers conferred under sub-section (3) of Section 44-A of the Mysore University (Amendment) Act, 1957, the Government of Mysore are pleased to sanction continuation of affiliation of the Teresian College, Mysore to the Mysore University for teaching the following courses for the period noted against each :—

(i) Pre-University Course (Arts) for 1967-68.
History, Economics, Political Science.

(ii) Pre-University Course (Science) for 1967-68.
Physics, Chemistry, Mathematics (72 students)
Physics, Chemistry, Biology (72 students)
Chemistry, Botany, Zoology (64 students).

(iii) B. A. Degree (All the three years) for three years for 1967-68.
History, Economics (Majors), English (Minor).

(iv) B. A. Degree (I & II years) for 1967-68.
Sociology, Political Science (Majors), History (Minor).

(v) B. A., Degree (I Year) for 1967-68.
English, History (Majors), Economics (Minor).

(vi) B. Sc. Degree (All the three years) for 1967-68.
Physics, Mathematics (Majors), Chemistry (Minor)—36 students.
Botany, Zoology (Majors), Chemistry (Minor)—36 students.

subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 76 UAC 67.]

By Order and in the name of the Governor of Mysore,

1173 S. N. SREENATH, *Under Secy.*

NOTIFICATION.

Bangalore, dated 22nd—25th September 1967.

S. O 1810.—In exercise of the powers conferred under sub-section (3) of Section 44-A of the Mysore University (Amendment) Act, 1957. the Government of Mysore are pleased to sanction continuation of affiliation of the Kamala Nehru Memorial National College for Women, Shimoga, to the Mysore University, for teaching the following courses:

(i) Pre-University Course:

History, Economics, Logic.

History, Economics, Hindi.

History, Economics, Political Science.

(ii) B.A. Degree (1st Year):

History, Economics (Majors), Political Science (Minor).

Sociology, Economics (Majors), Political Science (Minor).

Kannada, Political Science (Majors), Philosophy (Minor).

Sociology, Political Science (Majors), Philosophy (Minor).

Sociology, Kannada (Majors), Philosophy (Minor).

(iii) B.A. Degree (2nd Year).

History, Economics (Majors), Political Science (Minor).

Sociology, Economics (Majors), Political Science (Minor).

Kannada, Political Science (Majors), Philosophy (Minor).

and extension of affiliation to the B.A. Degree (Third Year) with the following combinations :—

History, Economics (Majors), Political Science (Minor).

Sociology, Economics (Majors), Political Science (Minor).

and fresh affiliation to Post Pre-University Diploma Course in languages—Kannada and Hindi for a period of one year from June 1967 subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 80 UAC 67.]

By Order and in the name of the Governor of Mysore,

1174 S. N. SREENATH, *Under Secy.*

COMMERCE AND INDUSTRIES SECRETARIAT

NOTIFICATION

Bangalore, dated 18th September 1967.

S.O.1881.—In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957, the grant to Messrs. Associated Cement Companies Ltd, Bombay of a Mining Lease for twenty years for Sand in respect of the area of 70 acres (28. 33 hectares) of land in Ingaligi and Malgothi villages, Chittapur Taluk, Gulbarga District, as delineated in the plan accompanying the application.

2. The grant of the above lease is subject to the terms and conditions mentioned below :—

(*a*) Mining Lease should be in respect of Sand only. If other minerals are found in association with Sand they should be brought to the notice of Government and if the lessee desires to mine these minerals along with Sand he should do so only after the consent of Government is obtained in writing.

(*b*) Royalty at the rates prescribed in the Second Schedule to the Mines and Minerals (Regulation and Development) Act, 1957, or the dead rent at the rate of Rs. 25 per hectare per annum, whichever is greater, shall be charged provided that dead rent shall not be payable for the first year of the lease.

(*c*) Surface rent at the rate of 2–50 per hectare per annum on the actual area used by the lessee for mining purposes shall be charged.

(*d*) If beryl or any other "Substance Prescribed" under Section 3 of the Atomic Energy Act, No. XXIX of 1948 is found to occur in the property under the lease, the lessee shall make available such mineral to the Government of India.

(*e*) The lease shall be subject to the provisions of Rules in Chapter IV of the Mineral Concession Rules, 1960.

(*f*) The lease shall also be subject to the rules issued under Section 18 of the Mines and Minerals (Regulation and Development) Act, 1957.

(*g*) The lessee shall pay to the Director of Mines and Geology in Mysore, Bangalore, necessary security deposit for due observance of the terms and conditions of the lease in accordance with Rule 32 of the Mineral Concession Rules, 1960, before the lease is issued to him.

(*h*) The lessee shall submit confidentially from time to time or when required progress reports to the Director of Mines and Geology along with analysis and representative samples of the ores collected during the mining operations.

(*i*) The lease shall be governed by all conditions that may be incorporated in the lease deed to be executed.

(*j*) The lessee shall abide by the Rules contained in the Mysore State Forest Manual, if the leased area covers any forest lands.

(*k*) The total area held by the lessee under Mining Leases including the present one shall not exceed 25.9 Sq. Kilo-meters.

(*l*) Government shall have the right of purchasing the Ore at current market rates.

(*m*) The lease would be determined if the Lessee fails to commence effective mining operations within one year from the date of execution of Lease Deed.

(*n*) That the area is subject to verification after actual survey.

[No. CI 87 EMI 67.]

By Order and in the name of the Governor of Mysore,

N. NARAYANASWAMY, *Under Secy.*

956

NOTIFICATION

Bangalore, dated 21st September 1967.

S. O. 1882.—In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957, and after obtaining the approval of the Government of India, accorded under sub-section (2) of Section 5 of the Said Act the Government of Mysore are pleased to sanction the grant of a Prospecting Licence for Manganese and iron ore to Shri D. Narayana in the following areas of the Chicknaikanahalli Taluk, Tumkur District, on the terms and conditions mentioned below :—

Village	*S. Nos.*	
Doddarampur	49 (Part)	21 acres (8.49 hectares).

(As delineated in the plan as furnished by the Department of Mines and Geology).

Terms and Conditions.

1. The licence shall be operative for a period of one year with effect from the date of execution. The option to renew the licence for a further period shall be reserved to Government ;

2. The licensee shall pay to Government a Prospecting fee of Rs. 2-50 per hectare of the land covered by the licence for each year or portion of a year ;

3. The quantity of ore to be removed under this licence, both on payment of royalty and free of royalty, shall be in accordance with the limits prescribed under Rule 14 (ii) and (iii) and under Schedule III respectively, of the Mineral Concession Rules, 1960. The royalty payable on the minerals shall be in accordance with the rates prescribed in second schedule to the Mines and Minerals (Regulation and Development) Act, 1957 and as amended from time to time ;

4. The licensee shall make available to the Government of India beryl or any other "substance prescribed" under Section 3 of the Atomic Energy Act No. XXIX of 1948, if they occur in the property under licence;

5 The licence shall be subject to the rules issued under Sections 13 and 18 of the Mines and Minerals (Regulation and Development) Act, 1957 (No. 67 of 1957);

6. If any other mineral is traced during the course of prospecting, the licensee shall report about the same to the Director of Mines and Geology and shall not work such mineral without obtaining prior permission of Government;

7. The licensee shall furnish an accurate final map of the areas covered by the licence together with a description, giving the situation and boundaries of the areas duly attested by the licensee. The Director of Mines and Geology is authorised to get the accurate final map with survey numbers, etc., prepared and demarcation done before executing the Licence if the Licensee so desired and to recover the cost of the same from the Licensee;

8. The licensee shall, before the deposit is returned to him, submit confidentially to the Director of Mines and Geology from time to time or whenever required a full report of the work done by him and disclose all information acquired in the course of the operations carried on under the licence regarding the geology and mineral resources of the area covered by the licence;

9. The licensee shall allow any officer authorised by the Central Government or the State Government to inspect at any time the area covered by the Prospecting licence as also any accounts, plans and records maintained by him;

10. The licensee shall, before the licence is issued to him, deposits as security a sum of Rs. 200 in respect of

every square kilometre or part thereof for which the licence is granted for due observance of the terms and conditions of the licence;

11. The licensee shall engage a qualified geologist or a mining engineer to conduct the prospecting methodically; and

12. The licensee shall not give any ore-raising contract during the prospecting stage;

13. The area mentioned above is subject to verification after actual survey.

[No. CI 144 EPO 67.]

By Order and in the name of the Governor of Mysore,

1148 N. NARAYANASWAMY, *Under Secy.*

NOTIFICATION.

Bangalore, dated 25th September 1967.

S. O. 1883.—In exercise of the powers conferred under Rule 15 (1)of the Mineral Concession Rules 1960, the Government of Mysore hereby revoke the orders issued in Government Notification No. CI 81 EPO 67 dated 25th May 1967, sanctioning a Prospecting Licence for Corundum in respect of the area of 56–37 acres of land in Bettahalli village, Srirangapatna Taluk, Mandya District in favour of Shri N. A. Krishna Bhat as the grantee failed to pay the security deposit and execute the deed within the prescribed time limit.

[No. CI 193 EPO 67.]

By Order and in the name of the Governor of Mysore,

1180 N. NARAYANASWAMY, *Under Secy.*

Home Secretariat.

NOTIFICATION.

Bangalore, dated the 23rd September 1967.

S. O. 1884.—In exercise of the powers conferred by clause (s) of sub-section (1) of section 4 of the Code of Criminal Procedure, 1898 (Central Act 5 of 1898), the Government of Mysore hereby make the following amendments to notification No. HD 65 EHT 58, dated the 13th March, 1959 namely :—

In the Schedule to the said notification :—

(1) In the entries relating to serial number 27 Mudhol Police Station, Mudhol Taluk, in column 4 after item 38, the following items shall be added namely :—

"39 Chennal.

40 Mallapur.

41 Mirji.

42 Ranjangi.

43 Uttur.

44 Vantigod."

(2) In the entries relating to serial number 28 Lokapur Police Station, Mudhol Taluk, in column 4, items 10, 17, 27, 31, 37, 40 and 43 shall be omitted.

[No. HD 23 POP 67.]

By Order and in the name of the Governor of Mysore,

1161 Bhim Rao, *Under Secy.*

COMMERCE AND INDUSTRIES SECRETARIAT

NOTIFICATION.

Bangalore, dated 25th September 1967.

S. O. 1885.—In exercise of the powers conferred under Rule 15 (1) of the Mineral Concession Rules 1960, the Government of Mysore hereby revoke the orders issued in Government Notification No. CI 70 EPO 67, dated 17th May 1967 sanctioning a Prospecting Licence for Clay in respect of the area of 85 acres of land in Kallenahalli village, Chitradurga Taluk, Chitradurga District in favour of Shri V. C. Sivaraj as the grantee failed to pay the security deposit and execute the deed within the prescribed time limit.

[No. CI 191 EPO 67.]

By Order and in the name of the Governor of Mysore:

1179 N. NARAYANASWAMY, *Under Secy.*

Food, Civil Supplies and Labour Secretariat

ORDER.

Bangalore, dated the 23rd September 1967.

S. O. 1886.—Whereas the Government of Mysore are of opinion that an Industrial Dispute exists between the Workmen and the Management of Nav Bharat Slate Works, Bagalkot, on the points noted below;

And whereas the Government of Mysore consider it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Labour Court at Hubli.

Points of Dispute

(1) Did the workmen of the Nav Bharat Slate Works, Bagalkot resort to a strike on 18-2-1967? If so, was the strike illegal ?

(2) Is the employer of the Nav Bharat Slate Works, Bagalkot justified in dismissing from service the twenty-two workmen mentioned in the Annexure? Are the said twenty–two workmen entitled to reinstatement with full wages for the entire period of involuntary unemployment ? If not, to what other reliefs are they entitled ?

ANNEXURE

Sriyuths :

1 Vittal Karade.
2 Adivegaya Halagali.
3 Allabux Husseinsab Jamkhandi.
4 Virupaxayya Choukimath.
5 Ramappa Talawar.
6 Fakrusab Badami.
7 Imamsab Badami.
8 Mustafa Sulaiman.
9 Balakrishna Chavan.
10 Ramappa Halabar.
11 Mahamed Jamadar
12 Dongrisab.
13 Amrappa Lamani.
14 Gudusab Konnur
15 Basbaharfatsab Kerur
16 Arjun Chandukar.
17 Ibrahim Sondagar.
18 Muppanna Kattikal.
19 Laxaman Kattikal.
20 Murali Malabar
21 P. Karunakaraw.
22 Laxman Karade.

[No. FCL 536 LLD 67.]

By Order and in the name of the Governor of Mysore,

1163 G. G. PUROHIT, *Under Secy.*

AGRICULTURE AND FOREST SECRETARIAT.

NOTIFICATION.

Bangalore, dated 21st September 1967.

S. O. 1887 .—In exercise of the powers conferred by Section 4 of the Madras Forest Act, 1882 (Madras Act V of 1882), as in force in the Madras Area, the Government of Mysore hereby—

(i) declares that it is proposed to constitute the lands in the Coondapur Taluk of South Kanara District, the situation and limits of which are specified in the Schedule hereto annexed, as reserved Forest;

(ii) appoints the Forest Settlement Officer, Mangalore to be the Forest Settlement Officer for purposes of clause (c) the said Section; and

(iii) appoints the Divisional Forest Officer, Coondapur Division, Coondapur, to attend on behalf of the Government at the inquiry conducted by the said Forest Settlement Officer.

Under Section 14 of the said Act, the Government of Mysore hereby appoints the Deputy Commissioner of South Kanara District to hear appeals on any orders passed by the Forest Settlement Officer under Sections 11, 12 and 13 of the said Act.

SCHEDULE.

Name of the District	...	South Kanara
Name of the Taluk	...	Coondapur.
Name of the Village	...	Jadkal Village.
Survey field No.	...	79
Name of the Block	...	Madibare R. F. Extension Block II.
Area of the Block	...	81. 75 acres.

DESCRIPTION OF THE BOUNDARIES.

North :—Starting from station No 54, a point in the Reserve Forest boundary of Madibare Reserve Forest the line runs along the Reserve Forest boundary line to North-East of the block to station No. 57, passing the intermediate station No. 55 and 56 at a total distance of 1730 links. From station No. 56 the line runs to South-East of the block to station No 59, passing the middle station No 58 at a total distance of 1780 links. From there to South to station No. 60 at a distance of 800 links, From 60th station to South-East to station No. 61 (R. F. O. No. 125) at a distance of 800 links. From there the line runs to North-East to station No. 65, after passing through the intermediate stations 62 to 64 at a total distance of 3480 links. From there the direction changes toSouth-East to station No. 66 at a total distance of 540 links. From 66th station the line runs to North-East corner of the block to station No. 0, after passing the middle station No. 67 at a total distance of 1220 links. The distance and bearing from station to station are as follows :—

Station Number From	To	Bearings in F. B.	Distances in links.
54	55	62	500
55	56	61	600
56	57	62	630
57	58	130	910
58	59	135	840
59	60	174	800
60	61	140	800
61	62	61	1040
62	63	62	880
63	64	39	800
64	65	38	760
65	66	141	540
66	67	66	700
67	0	67	520

East :—From station No. 0 the demarcation line runs to South of the block to station No. 3, after passing through the middle station No. 1 and 2 at a total distance of 800 links. The distance and bearing from station to station are as follows :—

Station Numbers From	To	Bearings in F. B.	Distances in links
0	1	150	220
1	2	162	240
2	3	182	340

South :—From station No. 3 the line runs to West to station No. 4 at a distance of 250 links. From there the line runs to South-West to station No. 11 after passing through the intermediate stations 4 to 10 at a total distance of 1935 links. From station No. 11 the line runs to West to station No. 12 at a total distance of 365 links. From station No. 12 again to South-West of the block to station No. 13 at a distance of 345 links. From there to West of the block to station No. 15, after passing the middle station No. 14 at a total distance of 755 links. From 15th station the line further runs to South-West to station No. 17 after passing the middle station No. 16 at total distance of 935 links. Then again the line runs to West of the block to station No. 19 after passing the middle station No. 18 at a total distance of 645 links. From 19th station again the direction changes to South-West to station No. 21, after passing through the middle station No. 20 at a total distance of 725 links. From 21st station again to North of the block to station No. 25, after passing through the middle stations 22 to 24 at a total distance of 1220 links. From 25th station again to North-West to station No. 27, after passing the middle station No. 26 at a total distance of 660 links. From 27th station to West of the block to station No. 31, after passing the middle station No. 28 to 30 at a total distance of 1330 links. From there to South-West of the block to station No. 32 at a distance of 325 links. From 32 station the line runs to South-East to station No. 35 after passing the middle station No. 33 and 34 at a total distance of 1070 links. From 35th station the line further runs to South-West to station No 37.. passing the middle station No. 36 at a total distance of 770 links. Then again from 37th station the line runs through 38th and 39th stations to South of the block to station No. 40, a point on Madibare Reserve Forest boundary line, at a total distance of 885 links. From station No. 40 the line again runs along the Reserve Forest line to west of the block to station No. 41 (R. F. C No. 112) at a distance of 360 links. From 41st station the line runs to South-West to station No. 43 after passing the middle station No. 42 at distance of 1440 links From there the line runs to West to station No. 44 at a distance of 300. links. The distance and bearing from station to station are as follows :—

Station Numbers		Bearings	Distances
From	To	in F. B.	in links.
3	4	275	250
4	5	251	490
5	6	249	220
6	7	255	380
7	8	218	240
8	9	220	395
9	10	200	200
10	11	230	210
11	12	267	365

1	2	3	4
12	13	240	345
13	14	275	440
14	15	275	315
15	16	240	660
16	17	213	275
17	18	259	280
18	19	285	365
19	20	303	415
20	21	296	310
21	22	345	425
22	23	345	250
23	24	338	245
24	25	350	300
25	26	320	210
26	27	334	450
27	28	282	500
28	29	274	230
29	30	260	400
30	31	270	200
31	32	208	325
32	33	146	490
33	34	151	410
34	35	159	170
35	36	215	350
36	37	196	420
37	38	159	370
38	39	160	315
39	40	169	200
40	41	272	360
41	42	242	740
42	43	242	700
43	44	265	300

West:—From Station No. 44 the line runs away from the Reserve Forest Boundary line to North-East to station No. 46 after passing the middle station No. 45 at a total distance of 340 links. From 46th station the line runs to North of the block to station No. 50 a point again on the Reserve Forest boundary line, after passing the intermediate stations from 47 to 49 at a total distance of 1 45 links. From 50th station again the line runs to North-East to station No. 52. (R. F. C. No. 119) after passing through the intermediate station No. 51 at a total Distance of 1210 links. From 52 station the line at last runs to North–West to

station No. 54, after the passing the intermediate station No. 53 at a total distance of 1080 links. The distance and bearing from station to station are as follows —

Station From	Number To	Bearings in F. B.	Distances in links.
44	45	17	130
45	46	24	210
46	47	358	235
47	48	354	390
48	49	7	220
49	50	10	700
50	51	68	600
51	52	67	610
52	53	337	600
53	54	336	480

Other privileges.—

(1) Free grazing of cattle by villagers.
(2) Free removal of dry fuel by villagers.
(3) Free removal of green manure for the *bona fide* use by ryots.
(4) Free removal of muligrass for the *bona fide* use of ryots.

[No. AFD 60 FAF 67.]

By Order and in the name of the Governor of Mysore,

1131 M. W. WINSTON, *Under Secy.*

Health and Municipal Administration Secretariat

NOTIFICATION

Bangalore, dated 25th September 1967

S.O. 1888.—In exercise of the powers conferred by Rule 3 of the Bangalore Water Supply and Sewerage Rules, 1964, read with Section 3 of the Bangalore Water Supply and Sewerage Act, 1964 (Mysore Act No. 3 of 1964), the Government of Mysore hereby reconstitute the Bangalore Water Supply and Sewerage Board and appoints the following persons as Chairman and members for a period of three years with effect *from 1st day of October 1967.*

1. Shri K. Narayana Swamy, IAS,
   Chief Secretary to the Government of Mysore,
   Bangalore-1 — Chairman
2. Shri M. Veeraraj Urs, IAS.,
   Secretary to Government, Finance Department,
   Bangalore-1, — Member
3. Shri Chandappa Patel, IAS.,
   Secretary to Government, Public Works and Electricity Department, Bangalore 1,
4. Shri M. Narasimhaiya, M. I. E., (Ind),
   Retired Chief Engineer for Irrigation, Shankar Mutt Road, Bangalore-4
5. Shri G. R. Ethirajulu Naidu, B. A., B. L.,
   Ex-Advocate General to Government, H. B. Samaj Road, Basavangudi, Bangalore- 4
6. Shri A. Krishna Murthy, M. A., CAIB.,
   Retired General Manager, State Bank of Mysore, Jayanagar, Bangalore-11
7. Shri P. I. Joseph, M. A.,
   Administrator, Binnipet Welfare Department, the Bangalore Woollen Cotton and Silk Mills, Co., Ltd., No. 12 Binny Fields, Bangalore City.

[No. LMA 129 MNY 67.]

By Order and in the name of the Governor of Mysore,

116

N. S. Ramachandra,
Secretary.

Revenue Secretariat

NOTIFICATION.

Bangalore, dated 25th September 1967.

S. O. 1893.—In exercise of the powers conferred by Section 3 of the Mysore Public Premises (Eviction of Unauthorised Occupants) Act, 1961 (Mysore Act 3 of 1962), and in supersession of Notification No. RD 155 GHR 66, dated the 4th/7th November 1966, the Government of Mysore hereby appoints Shri Farkhunda Ali Khan, Headquarters, Assistant to the Deputy Commissioner, Bangalore District, Bangalore, to be the competent Officer for the purposes of the said Act and directs that he shall exercise the powers conferred and perform the duties imposed on the competent officer by or under the said Act, within the limits of the City of Bangalore, in respect of all categories of public premises other than those under the administrative control of the Police Department and public premises situated within the Industrial Estate under the administrative control of the Industries and Commerce Department.

[No. RD 110 GHR 67.]

By Order and in the name of the Governor of Mysore,

1189 M. K. Madappa, *Under Secy.*

GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES, LABOUR AND MUNICIPAL ADMINISTRATION DEPARTMENT (LABOUR).

Labour Dispute.—Industrial Dispute between the Workmen and the Management of Yemmigouda Estates, Pollibetta Post, Coorg District.

Award of the Labour Court, Bangalore published.

Read the following papers:

(1) Letter No 642/67-68, dated 4th September 1967 from Shri P. T. Kadkol, Presiding Officer, Labour Court, Bangalore.

BEFORE THE PRESIDING OFFICER, LABOUR COURT, BANGALORE.

Dated this 4th day of September 1967.

Present:

Sri P. T. KADKOL, B. SC., LL.B. *Presiding Officer.*

Reference, No. 45 of 1966.

Workmen represented by the Secretary, Estates Staff' Union of South India, Chickmagalur. ... *I Party.*

Vs.

The Management of Yemmigoondi Estate, Pollibetta Post, Coorg District. ... *II Party.*

Reference: Government Order No. LMA 113 LLD 66, dated 6th April 1966.

AWARD

The Government of Mysore being of opinion that an Industrial Dispute exists between the Workmen and the Management of Yemmigoondi Estate, Pollibetta Post, Coorg District have referred it for adjudication to this Court, under Section 10 (1) (c) of the

Industrial Disputes Act, 1947. by their Order No. LMA 113 LLD 66, dated 6th April 1966, setting out the following points of dispute for adjudication :—

> "Whether the Management of Yemmigoondi Estate, Pollibetta Post, Coorg (Proprietors: The Consolidated Coffee Estates (1943) Limited, Pollibetta Post, Coorg) are justified in dismissing Sri M. T. Bopaiah, Overseer from service with effect from 31st August 1965. If not, is he entitled to reinstatement with back wages and continuity of service from that date or other relief if any ?"

2. The cause of the aggrieved workman has been sponsored by the Estates Staffs' Union of South India, Chickmagalur, which is a registered trade union. This Union as repre-enting the workmen is the first party and the Management of Yemmigoondi Estate is the second party in this proceeding. Mr. Pinto has appeared for the Union and Mr. K. Ramadas has appeared for the management.

3. In response to the notice issued by this court, the Union has submitted its statement of claims dated 30th April 1966, the management has submitted its statement of objections thereto dated 6th June 1966 and the Union has submitted its rejoinder dated 15th July 1966. On the basis of these pleadings various issues were framed and set down for hearing on 28th November 1966 (*Vide* Order Sheet).

4. The aggrieved workman in this case is M T. Bopaiah who was working as an overseer in the Yemmigoondi Estate under the management of the second party. He sent a memo dated 8th May 1967 to this court by registered post stating that he had decided to withdraw from the present dispute and hence the proceedings may be closed. It was received in this Court on 12th May 1967. As the case was to be heard in Mercara notice was issued to both the parties to appear before me in Mercara on 30th August 1967.

5. When the case was called at Mercara on that day, it was found that Mr. Pinto was not present. The aggrieved workman M. T. Bopaiah, however, was present. Mr. Ramadas was present for the management. When questioned by me, the aggrieved workman Bopaiah stated that he did not want to prosecute this

dispute. I recorded his deposition the same day and it is W W 1. The memo sent by him is marked Ex A. In his deposition before me Bopaiah has stated that he wants to withdraw from this dispute and further he has sent the memo Ex.A. to this court duly signed by him. Since the aggrieved workman himself does not want to press this reference, it shall have to be rejected. Hence I make an Award as under:

AWARD

The Reference is rejected as requested by the aggrieved workman M. T. Bopaiah in the memo marked Ex.A. which should be annexed to this Award and be deemed as forming part thereof. No costs.

P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

"Copy"

P. T KADKOL,
Presiding Officer,
Labour Court, Bangalore.

BEFORE THE HONOURABLE LABOUR COURT, BANGALORE.

In the matter of Ref No LMA 113 LLD 66
dated 6th April 1966 (Ref. No. 47 of 1966)

Sri M. T. Bopaiah, Overseer, Yemmigoondi Estates. Pollibetta P.O., Coorg District, represented by the Estates Staffs' Union of South India, 'ESUSI House' Vijayapura Extension, Chikmagalur. ... *I Party.*

Vs

The Management, Yemmigoondi Estates, Pollibetta P O., Coorg District ... *II Party.*

I beg to bring to the kind notice of the Honourable Labour Court the above Reference No. LMA 113 LLD 66, dated 6th April 1966 (Ref. No. 47 of 1966) pending before the Court for adjudication.

I have now decided to withdraw the above dispute on my own accord and I have no claim whatsoever with the II Party Management in the above dispute.

I would kindly request the Honourable Court to close the above papers as I am withdrawing the above dispute voluntarily pending before the Honourable Labour Court.

A copy of this petition is sent to the IInd Party Management and also the Secretary for Mysore State. Estates Staffs' Union of South India, ESUSI HOUSE, Vijayapura Extension, Chikmagalur, for information.

Dated this the 8th day of May 1967 at Pollibetta, Coorg.

(Sd.) M. T Bopaiah
Ist Party.

I give below my present address :—

M T Bopaiah,
Dhanugala Village,
Mayamudi Post,
S. Coorg.

Seen to day.
To be taken up at Mercara
Intd P T. K.
12/5
Marked Ex A.
Intd. P. T. K.
30/8.

"COPY"

P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

ORDER.

Bangalore, dated 14th September 1967.

S. O 1894.—WHEREAS by State Government Order No. LMA 113 LLD 66, dated 6th April 1966, the Industrial Dispute between the Workmen and the Management of Yemmigonda Estates, Pollibetta Post, Coorg District, was referred to the Labour Court, Bangalore for adjudication.

AND WHEREAS the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No LMA 113 LLD 66.]

By Order and in the name of the Governor of Mysore,

G. G. PUROHIT, *Under Secy.*

Home Secretariat.

NOTIFICATION.

Bangalore, dated 26—27th September 1967.

S. O 1895.—The following draft of directions which the Government of Mysore proposes to issue to the State Transport Authority in exercise of the powers conferred by sub-section (1) of Section 43 of the Motor Vehicles Act, 1939 (Mysore Act IV of 1959) and in partial modification of Government Notification No. HD 5 MVA 57, dated 6th October 1959 regarding reciprocal agreement entered into between Governments of Kerala and Mysore in regard to Inter-State operation of transport vehicles, is hereby published as required by the proviso to the said sub-section for the information of all persons likely to be affected thereby, and notice is hereby given that the draft directions will be taken up for consideration by Government after 13th November 1967.

Objections or suggestions, if any, which may be received from any person by the Government of Mysore in respect of the said draft directions before the date specified above will be considered by the State Government. Objections or suggestions may be addressed to the Secretary to Government, Home Department, Vidhana Soudha, Bangalore-1.

DRAFT DIRECTIONS

The State Transport Authority is directed to take necessary action to give effect to the following modifications agreed to between the Governments of Mysore and Kerala to the reciprocal agreement existing between the two States, namely:—

1. It is agreed that no standing passengers shall be permitted in Stage Carriages plying on Inter-State routes under the reciprocal agreement except on short distance routes; short distance route for this purpose being a route which penetrates a distance not exceeding 10 miles in the reciprocating State.

2. It is also agreed that the reciprocal arrangement existing between the two States shall be subject to review at the instance of either of the State Governments.

[No. HD 38 TMI 62.]

By Order and in the name of the Governor of Mysore,

C. RAJANNA, *Under Secretary.*

Revenue Secretariat.

ERRATUM

Bangalore, dated 27th September 1967.

S. O. 1896.—Please read file No. as RD 66 TCO instead of RD 66 TCO 66;

Please insert as S. No. 4 and Hissa No. 3 under columns 8 and 9 against the total area of 3-14 in column 10 relating to Khata No. 44 of the Government order dated 23-8-1967;

Rs-A-Ps.	Rs-A-Ps.

Please read as 0-5-6 instead of 0-5-0 under column 11 relating to Hissa No. 3c Part, S. No. 160 and Khata No. 124 mentioned in Government order under reference.

[No. RD 66 TCO 65-]

By Order and in the name of the Governor of Mysore,

M. K. Madappa, *Under Secy.*

Education Secretariat.

NOTIFICATION.

Bangalore, dated 25th September 1967.

S.O. 1897.—In exercise of the powers conferred under sub-section (3) of Section 44-A of the Mysore University (Amendment) Act, 1957, the Government of Mysore are pleased to sanction permanent affiliation of the Vijaya College, Mulki to the Mysore University to run the Pre-University Course in Arts with History, Economics, Logic combinations with effect from 1967-68 and continuation of affiliation to run the following courses for the periods noted against each :—

(i) Pre-University (Commerce) for three years from 1967-68 History, Economics, Commerce.

(ii) B. A. Degree (All the three courses) for three years from 1967-68
Economics Sociology (Majors) Political Science (Minor)
Economics, Sociology, (Majors), Philosophy, (Minor),
Economics, Philosophy (Majors) Political Science (Minor);

(iii) B. Com., Degree (All the three years) for three years from 1967-68.

(iv) B. Sc., Degree (All the three years) from 1967-68 Physics, Mathematics (Majors) Chemistry (Minor 36 students);

subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 90 UAC 67.]

By Order and in the name of the Governor of Mysore,

1108 S. N. Sreenath, *Under Secy.*

NOTIFICATION.

Bangalore, dated 23rd—26th September 1967.

S. O. 1898.—In exercise of the powers conferred under sub-section (3) of Section 44-A of the Mysore University (Amendment) Act, 1957, the Government of Mysore are pleased to sanction continuation of affiliation of the K. G. F. First Grade College, Ooragaum to the Mysore University, for teaching the following courses:—

(i) P. U. C. (Arts) History, Economics, Logic

(ii) P. U. C. (Commerce) Economics, Geology, Commerce.

(iii) B. Com. Degree (I & II Years)

(iv) B. Sc. Degree (III Year)

Physics, Geology (Majors) Mathematics (Minor) 24 students.

Physics, Chemistry (Majors) Mathematics (Minor) 36 students

for a period of one year from June 1967 subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 75 UAC 67.]

By Order and in the name of the Governor of Mysore,

1177 S. N. SREENATH, *Under Secy.*

General Administration Secretariat.

NOTIFICATION.

Bangalore, dated 25th September 1967.

S. O. 1899.—In exercise of the powers conferred by sub-section (2) of Section 4 of the Mysore Secondary Education Examination Board Act, 1966 (Mysore Act No. 16 of 1966), the Government of Mysore hereby appoints Sri V. B. Desai, Additional Director of Public Instruction in Mysore, as Chairman, Mysore Secondary Education Examination Board.

[No. GAD 74 SHD 67.]

By Order and in the name of the Governor of Mysore,

1190 B. Purushotham, *Under Secy.*

COMMERCE AND INDUSTRIES SECRETARIAT

NOTIFICATION.

Bangalore, dated 25th September 1967.

S. O. 1900.—In exercise of the powers conferred under Rule 15(1) of the Mineral Concession Rules, 1960, the Government of Mysore hereby revoke the orders issued in Government Notification No. 306 EPO 65, dated 23rd May 1967 sanctioning a Prospecting Licence for Iron Ore in respect of the area of 560 acres of land in Sige, Veerapura and Kalldevarahalli villages, Hassan Taluk, Hassan District in favour of Messrs. Mineral Enterprises (P) Limited, as the grantees failed to pay the security deposit and execute the deed within the prescribed time limit.

[No. CI 192 EPO 67.]

By Order and in the name of the Governor of Mysore,

1178 N. NARAYANASWAMY, *Under Secy.*

AGRICULTURE AND FOREST SECRETARIAT.

NOTIFICATION.

Bangalore, dated 21st September 1967.

S. O. 1901.—In exercise of the powers conferred by Section 4 of the Madras Forest Act, 1882 (Madras Act V of 1882), as in force in the Madras area, the Government of Mysore hereby—

(i) declares that it is proposed to constitute the lands in the Puttur Taluk of South Kanara District, the situation and limits of which are specified in schedule hereto annexed, as reserved forest ;

(ii) appoints the Forest Settlement Officer, Mangalore, to be the Forest Settlement Officer for purposes of clause (c) of the said section ; and

(iii) appoints the District Forest Officer, Mangalore Division, Mangalore, to attend on behalf of the Government at the inquiry conducted by the said Forest Settlement Officer.

Under Section 14 of the said Act, the Government of Mysore hereby appoints the Deputy Commissioner, of South Kanara District to hear appeals on any orders passed by the Forest Settlement Officer under Sections 11, 12 and 13 of the said Act.

SCHEDULE.

Name of the District	...	South Kanara
Name of the Taluk	...	Puttur
Name of the Village	...	Volamogru.
Survey Field No.	...	80/1
Name of the Block	...	Volamogru Block II.
Extent in acres	...	73. 40 acres

BOUNDARY DESCRIPTION

North :—Starting from station No. 1 a point which is situated at the newly constructed cairn No. 1, the demarcation line of the proposed block runs first in almost south-east direction, a distance of 940 links to reach the station No 3, passing through the intermediate station No. 2.

Thence it continues in north-east direction near 'Kundacheri' to station No. 4, a distance of 500 links. From there it runs in northern direction to station No. 5, a distance of 470 links. Against runs in south east direction to station No. 6, a distance of 285 links. Then it runs in north-east direction to station No. 7 a distance of 650 links. Therefrom it runs near 'Aleke' in South-west direction to station No. 8 a distance of 444 links. From there it continues near 'Aleke' in almost south-east direction, a distance of 807 links to reach the station No. 10, passing through the intermediate station No. 9. bearings and distances from station to station are as follows :—

Station From	Number To	Bearings in in r.B.	Distance in links
1	2	110	390
2	3	127	550
3	4	56	100
4	5	35-½	470
5	6	110½	285
6	7	71	650
7	8	202	444
8	9	140½	377
9	10	106½	430

East—Thence the demarcation line runs in almost south-west direction near 'Murtva Kyle' a distance of 1874 links to reach the intermediate stations 11 and 12. From there it runs in north-west direction to station No. 14, a distance of 495 links, again it runs in western direction to station No 15, a distance of 515 links. Then runs in southern direction to station No. 16 a distance of 446 links, and runs in south-west direction to station No. 17 a distance of 260 links From there it runs in southern direction to station No. 18 a distance of 407 links. From there it runs in south-east direction near 'Murtva Kyle' a distance of 616 links to reach the station No. 19 From there it runs in almost eastern direction a distance of 1215 links to reach the station No. 22, passing through the intermediate stations 20 and 21. Again it runs in south-west direction to station No. 23, a distance of 667 links. Therefrom the line runs in almost south-east direction to a distance of 1050 links to reach station No. 26, passing through the intermediate stations 24 and 25. Again it runs in almost southern direction near 'Ujred kyle' a distance of 518 links to reach the station No. 28, passing through the intermediate station 27. Again it runs in south-west direction to station No 29 a distance of 250 links. Again it runs in southern direction to station No. 30 a distance of 296 links. Thence it runs in south-east direction to station No. 31 a distance of 330 links. Therefrom the line continues near 'Ujrody Kyle' in almost south-west direction to station No. 32, a distance of 816 links.

The bearings and distances from station to station are furnished below :—

Station From	Number To	Bearings in F.B.	Distance in links
10	11	202½	364
11	12	2 3	770
12	13	260½	740
13	14	342	495
14	15	263½	545
15	16	170½	446
16	17	228½	260
17	18	171½	407
18	19	124	616
19	20	96	668
20	21	87	362
21	22	85½	215
22	23	190	667
23	24	104	203
24	25	159½	215
25	26	146	632
26	27	193½	296
27	28	185½	222
28	29	233	250
29	30	185½	293
30	31	127½	330
31	32	191	616

South :—Thence the demarcation line runs near 'Mulidka Byle' in almost north-west direction a distance of 753 links to reach the station No. 34, passing through the intermediate station 33. From there it continues in almost south-west direction near 'Muliadka Byle' to station No. 35, a distance of 596 links. Bearings and distance from station to station are as follows :—

32	33	285½	293
33	34	321	460
34	35	25 ½	596

West : Thence the boundary line runs in north-west direction near 'Anikutelu' a distance of 584 links to reach the station No. 37, passing through the intermediate station No. 36. From there it runs in north-east direction to station No. 38, a distance of 415 links. From there it runs in almost northern direction near 'Kuttinopia ka' a distance of 850 links to reach station 40 passing through the intermediate station 39. Thence it runs in north-east direction to station No. 41 a

distance of 330 links. Again it runs in almost northern direction to station No. 42, a distance of 423 links. From there it runs in almost western direction a distance of 1045 links to reach station No. 44 passing through the intermediate station No. 43. Again it runs near 'Ilingala byle' in north-west direction to station No. 45 a distance of 350 links. Thence it runs in northern direction to station No. 46 a distance of 228 links. From there it continues near 'Ilanjala byle' in almost north-west direction a distance of 695 links to reach the station No. 48 passing through the intermediate station 47. Therefrom the line runs near 'Gurikumeru' in almost north-east direction a distance of 1148 links to reach the station No. 51, passing through the intermediate stations 49 and 50 From there it runs in almost western direction to station No. 52, a distance of 300 links. From there it runs in almost north-east direction a distance of 415 links to reach the station No. 54 passing through the intermediate station 53. Again it continues near 'Gurikumeru' in northern direction to station No. 55, a distance of 375 links. From there the line runs in north-west direction a distance of 175 links to reach the station No. 56 which is a point situated at the survey stone and finally the line continues in the same north-west direction a distance of 200 links to reach the station No. 1 which is the starting point. The bearings and distance from station station to area as follows :—

Station Number From	To	Bearings in F. B.	Distance in links
35	36	322	256
36	37	327½	328
37	38	39	415
38	39	357	375
39	40	351	475
40	41	32	330
41	42	351	423
42	43	273	545
43	44	260	500
44	45	322½	350
45	46	359	228
46	47	294½	365
47	48	327	330
48	49	38	288
49	50	55	285
50	51	39½	575
51	52	279½	300
52	53	15	200
53	54	28	215
54	55	6	375
55	56	345	175
56	1	351½	200

Starting point

Right of ways to be allowed :—

(1) Cart track :—From 'Parpunja' a cart track enters the block between cairn Nos. 3 and 4 and comes out of the block between cairn Nos. 13 and 14, which again enters the block between cairn Nos. 18 and 19 and comes out of the block between cairn Nos. 42 and 43. Again it enters the block between cairn Nos. 37 and 38 and leaves the block between cairn Nos. 34 and 35 and goes to 'Nanelthadka'.

(2) Foot paths :—(a) A footpath enters the block between cairn Nos. 6 and 7 and biforcates into two (inside the blok). One of its branch leaves the block between cairn Nos. 10 and 11 and goes to 'Aleke' and another branch leaves the block between cairn Nos. 11 and 12 and goes to 'Muruva'.

(b) Another footpath starts from the cart track inside the block and leaves the block between cairn Nos. 53 and 54 and goes to 'Gurikumeru'.

Other Rights :—

(a) Free grazing of cattle by villagers.

(b) Free removal of green manure leaves for *bona fide* use by ryots.

(c) Free removal of dry fuel for *bona-fide* use by villagers.

[No. AFD 179 FAF 66.]

By Order and in the name of the Governor of Mysore,

1130 M. W. WINSTON, *Under Secy.*

NOTIFICATION

Bangalore, dated 21st September 1897.

S. O. 1902.—In exercise of the powers conferred by Section 4 of the Madras Forest Act, 1882 (Madras Act V of 1882), as in force in the Madras Area, the Government of Mysore hereby—

(i) declares that it is proposed to constitute the lands in the Sullia Taluk of South Kanara District, the situation and limits of which are specified in the Schedule hereto annexed, as reserved forests;

(ii) appoints the Forest Settlement Officer, Mangalore to be the Forest Settlement Officer for purposes of clause (c) of the said section; and

(iii) appoints the Divisional Forest Officer, Mangalore Division, Mangalore, to attend on behalf of the Government at the inquiry conducted by the said Forest Settlement Officer.

Under Section 14 of the said Act, the Government of Mysore hereby appoints the Deputy Commissioner of South Kanara District to hear appeals on any orders passed by the Forest Settlement Officer under Sections 11, 12 and 13 of the said Act.

SCHEDULE.

Name of the District	...	South Kanara
Name of the Taluk	...	Sullia
Name of the Villages	...	Uberadkamithur Village and Sullia Village.
Survey field Numbers	....	276 of Uberadkamithur Village and 48/2, 47/6, 46/4 and 461A 4A of Sullia Village.
Name of the Block	...	Uberadkamithur Block.
Extent	...	218.20 Acres.

Boundary Description.

North.—Starting from the station No. 36 (Newly constructed cairn No. 34), the demarcation line of the proposed block runs in almost South-East direction distance of 2214 links to reach the station No. 40, passing through the intermediate stations 37 to 39 Thence it runs in North-East direction to station No. 41 a distance of 304 links. Thence it runs in Eastern direction to station No. 42, a distance of 595 links. Again it runs in almost North-East direction a distance of 926 links to reach the station No 44, passing through the intermediate station 43. Again it runs in almost South-East direction a distance of 816 links to reach the station No. 46, passing through the intermediate station 45. Thence it runs to station No. 47 in South-West direction, a distance of 391 links. Again it runs in South-East direction station No. 48, a distance of 500 links. From there it runs in almost North-East direction, a distance of 869 links to reach the station No. 50, passing through the intermediate station 49. From there it runs in almost South-East direction a distance of 685 links to reach the station No. 52, passing through the intermediate station 51. There onwards, the line runs in almost North-East direction a distance of 2074 links to reach the station No. 57, passing through the intermediate stations 53 to 56. Thence it runs in almost South-East direction a distance of 788 links to reach the station No. 59, passing through the intermediate station 58. Bearings and distances from station to station are as follows :—

Station Numbers From	To	Bearings in F. B.	Distance in links
36	37	111	474
37	38	159½	374
38	39	155	840
39	40	117½	526
40	41	60	304
41	42	89½	595
42	43	63	433
43	44	17½	493
44	45	142	539
45	46	164½	277
46	47	207½	391
47	48	133½	500
48	49	36½	435
49	50	45	434
50	51	106½	245
51	52	122	440
52	53	35	255
53	54	35	352
54	55	77	487
55	57	55½	551
57	58	128½	435
58	59	108	353

East:—Thence the line runs first in South-West direction to station No. 60, a distance of 687 links. From there it runs in almost Western direction to station No. 61, a distance of 315 links. Thence it runs in almost South-West direction a distance of 2605 links to reach the station No. 66, passing through the intermediate stations 62 to 65. From there it runs in Southern direction to station No. 67, a distance of 237 links. Again it runs in South-East direction to station No. 68, a distance of 313 links. Therefrom it runs in Eastern direction a distance of 767 links to reach the station No. 70, passing through the intermediate station 69. There onwards, it runs in almost Nort-East direction a distance of 1589 links to reach the station No. 74, passing through the intermediate stations 71 to 73. Again it runs in almost Eastern direction a distance of 434 links to reach the station No. 76, passing through the intermediate station 75. There onwards the line runs in almost South-East direction a distance of 1575 links to reach the station No. 81, passing through the intermediate stations 77 to 80. Bearings and distances from station to station are as follows :—

Station Numbers From	To	Bearings in F. B.	Distance in links
59	60	204½	687
60	61	260	315
61	62	244½	465
62	63	251	582
63	64	229	773
64	65	213½	436
65	66	212	349
66	67	178½	237
67	68	149	313
68	69	85½	378
69	70	92½	389
70	71	53½	368
71	72	38	400
72	73	57½	483
73	74	44	338
74	75	92	300
75	76	101½	134
76	77	121½	291
77	78	147½	357
78	79	163	332
79	80	160½	300
80	81	151	295

South.—Thence the line runs in almost Western direction a distance of 1439 links to reach the station No. 85, passing through the intermediate stations 82 to 84. From there it runs in South-West direction to station No. 86, a distance of 386 links. From there it runs in Southern direction to station No. 87, a distance of 283 links. Again it runs in almost Western direction to station No. 88, a distance of 350 links. Again it runs in Southern direction to station No. 89, a distance of 382 links. Thence it runs in almost South-West direction to station No. 90, a distance of 195 links. Thence it runs in almost South-West direction, a distance of 1291 links to reach the station No 94, passing through the intermediate stations 91 to 93. Form there it runs in almost North-West direction to station No. 95, a distance of 263 links. Thence it runs in South-West direction to station No. 96, a distance of 585 links. Thence the line continues in almost Southern direction, a distance of 823 links to reach the stations No. 99 passing through the intermediate stations 97 and 98. Thence it runs in North-West direction to station No. 100, a distance of 442 links. Again it runs in South-West direction to station No. 101, a distance of 365 links. From there it runs in North-West direction, a distance of 615 links to reach the station No. 103, passing through the intermediate station 102. Thence it runs in North-West direction, a distance of 718 links to reach the station No. 105, passing through the intermediate station 104. From there it runs in almost Western direction to station No 106, a distance of 348 links. Therefrom the line continues in almost North-West direction a distance of 939 links, passing through the intermediate stations 107 and 108 to reach the station No. O, which is a point situated at 250 links, Eastern direction of the village boundary stone.

Bearings and distances from station to station are as follows :—

Station Numbers From	To	Bearings in F. B.	Distance in links.
1	2	3	4
81	82	263½	288
82	83	266½	413
83	84	263½	325
84	85	260	413
85	86	238½	386
86	87	187	283
87	88	245	350
88	89	180½	382
89	90	151½	195
90	91	223½	342

1	2	3	4
91	92	234	275
92	93	241½	391
93	94	256½	283
94	95	337	263
95	96	247	585
96	97	180	328
97	98	180	297
98	99	182	198
99	100	290	442
100	101	198	365
101	102	288	240
102	103	285	375
103	104	199½	590
104	105	199½	128
105	106	255	348
106	107	286	300
107	108	291	299
108	0	312½	340

West.—Thence the line runs in almost Eastern direction, a distance of 715 links to reach the station No. 2, passing through the intermediate station 1. From there it runs in almost Northern direction to station No. 3, a distance of 431 links. Again it runs in almost North-East direction to station No. 4, a distance of 630 links. Again it runs it almost Northern direction a distance of 1240 links to reach the station No. 7, passing through the intermediate stations 5 and 6. From there it runs in North-West direction to station No. 8, a distance of 303 links. Again it runs in almost Northern direction to station No. 9, a distance of 487 links. Thence it runs in North-West direction to station No. 10, a distance of 604 links. Again it runs in almost South-West direction to station No. 11, a distance of 232 links. Again it runs in Northern direction to station No. 12, a distance of 422 links. Thence it runs in North-West direction to station No. 13 a distance of 400 links. Again it runs in due West direction to station No. 14, a distance of 487 links. Thence it runs in North-West direction to station No. 15, a distance of 244 links. From there it runs in almost North-East direction a distance of 527 links to reach the station No. 18, passing through the intermediate stations 16 and 17. From there it runs in North-East direction to station No. 19, a distance of 513 links. Again it runs in North-West direction to station No. 20, a distance of 373 links. Therefrom, the line runs in almost South-West direction, a distance of 1540 links to reach the station No. 24 passing through the intermediate stations 21 and 23. Again it runs in North-West direction to station No. 25, a distance of 243 links. Thence

the line runs in almost Northern direction a distance of 1204 links to reach the station No. 29, passing through the intermediate stations 26 to 28. From there, it runs in almost North-East direction a distance of 1093 links to reach the station No. 32, passing through the intermediate stations 30 and 31. From there, it runs in North-West direction to station No. 33, a distance of 518 links. Again it runs in Northern direction to station No. 34, a distance of 630 links. Finally the line runs from there in North-East direction, a distance of 250 links to reach the station No. 36, which is the starting point, passing through the intermediate station 35.

Bearings and distances from station to station are as follows:—

Station From	Numbers To	Bearings in F. B.	Distance in links
1	2	3	4
0	1	91	135
1	2	95½	280
2	3	16	431
3	4	75	630
4	5	3	608
5	6	352	249
6	7	355	383
7	8	329	303
8	9	5	487
9	10	292	604
10	11	251	232
11	12	350	422
12	13	326	400
13	14	254	487
14	15	295	244
15	16	359	100
16	17	6	180
17	18	6½	247
18	19	71½	513
19	20	332½	373
20	21	243½	430
21	22	254½	321
22	23	231	319
23	24	185	400
24	25	311½	243
25	26	2½	528

1	2	3	4
26	27	335	338
27	28	358½	100
28	29	4	238
29	30	27	424
30	31	54	240
31	32	16	429
32	33	327	518
33	34	354½	630
34	35	19	150
35	36	33	100
		Starting Point	

Right of ways to be allowed.

(a) Fair weather road —It enters the block between cairn Nos. 7 and 8 and comes out between cairn Nos. 39 and 40 and joins Jalsoor-Subramanya Road.

(b) Footpath:—A footpath starts from the 'fair weather road' in the middle of the block and comes out between cairn Nos. 48 and 49 and goes to 'Kumbachimanehyle'.

Other Privileges.—

(1) Free grazing of cattle by villagers.

(2) Free removal of green manure leaves for *bona fide* use by ryots.

(3) Free removal of dry fuel for *bona fide* use by villagers.

[No AFD 188 FAF 66.]

By Order and in the name of the Governor of Mysore,

1128 M. W. WINSTON, *Under Secy.*

COMMERCE AND INDUSTRIES SECRETARIAT.

NOTIFICATION.

Bangalore, dated 22nd September 1967.

S.O. 1903.—In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957, the Government of Mysore are pleased to sanction the grant to Messrs. Indian Aluminium Company Ltd., of a Mining Lease for thirty years for Bauxite and Aluminous laterite in respect of the area of 231-20 acres (93.56 hectares) of land in Betne Village, Khanapur Taluk, Belgaum District, as per sketch furnished by the Director of Mines and Geology, Bangalore.

2. The grant of the above lease is subject to the terms and conditions mentioned below :—

(*a*) Mining Lease should be in respect of Bauxite and Aluminous laterite only. If other minerals are found in association with Bauxite and Aluminous laterite, they should be brought to the notice of Government and if the lessee desires to mine these minerals along with Bauxite and Aluminous laterite, he should do so only after the consent of Government is obtained in writing.

(*b*) Royalty at the rates prescribed in the second schedule to the Mines and Minerals (Regulation and Development) Act, 1957, or the dead rent at the rate of Rs. 25 per hectare per annum, whichever is greater, shall be charged provided that dead rent shall not be payable for the first year of the lease.

(*c*) Surface rent at the rate of Rs. 2-50 per hectare per annum on the actual area used by the lessee for mining purposes shall be charged.

(*d*) If Beryl or any other "Substance Prescribed" under Section 3 of the Atomic Energy Act, No. XXIX of 1948, is found to occur in the property under the lease, the lessee shall make available such mineral to the Government of India.

(*e*) The lease shall be subject to the provisions of Rules in Chapter IV of the Mineral Concession Rules, 1960.

(*f*) The lease shall also be subject to the rules issued under Section 18 of the Mines and Minerals (Regulation and Development) Act, 1957.

(*g*) The lessee shall pay to the Director of Mines and Geology in Mysore, Bangalore, necessary security deposit for due observance of the terms and conditions of the lease in accordance with Rule 32 of the Mineral Concession Rules, 1960, before the lease is issued to him.

(*h*) The lessee shall submit confidentially from time to time or when required progress reports to the Director of Mines and Geology along with analysis and representative samples of the ores collected during the mining operations.

(*i*) The lease shall be governed by all conditions that may be incorporated in the lease deed to be executed.

(*j*) The lessee shall abide by the Rules contained in the Mysore State Forest Manual, if the leased area covers any forest lands.

(*k*) The total area held by the lessee under Mining leases including the present one shall not exceed 25.9 Sq. Kilometres.

(*l*) Government shall have the right of purchasing the ore at current market rates.

(*m*) The lease would be determined if the lessee fails to commence effective mining operations within one year from the date of execution of Lease Deed.

(*n*) The area mentioned above is subject to verification after actual survey.

[No. CI 130 EMI 67.]

By Order and in the name of the Governor of Mysore,

1162 N. NARAYANASWAMY, *Under Secy.*

Education Secretariat.

NOTIFICATION

Bangalore, dated 27th September 1967.

S. O. 1904.—In exercise of the powers conferred under sub-section (3) of Section 32 of the Karnatak University Act 1949 (Bombay XX of 1949) the Government of Mysore are pleased to sanction continuation of affiliation of the Shri Annadaneshwar College, Naregal to the Karnatak University, for teaching ;

(i) Pre-University Arts.

(ii) B. A., Part I.

and extension of affiliation for teaching Pre-University Course Science for a period of one year from June 1967 subject to the conditions laid down by the Karnatak University.

[No. ED 70 UAC 67.]

By Order and in the name of the Governor of Mysore,

1185 S. N. Sreenath, *Under Secy.*

NOTIFICATION.

Bangalore, dated 22nd-25th September 1967.

S. O. 1905.—In exercise of the powers conferred under sub-section (3) of Section 44-A of the Mysore University (Amendment) Act, 1957, the Government of Mysore are pleased to sanction permanent affiliation of the J. C. B. M. College, Sringeri to the Mysore University to run the Pre-University Course with History, Economics, Logic Combination with effect from 1967–68, and continuation of affiliation to run the following courses :—

(i) Pre–University Course (Commerce) for three years from 1967–68, History, Economics, Commerce.

(ii) Pre–University Course (Science) for 1967–68
Physics, Chemistry, Mathematics
Physics, Chemistry, Biology
(total intake of 192 students for both the combinations)

(iii) B. A. Degree (I and II years) for 1967–68
Indology, Philosophy (Majors) Sanskrit (Minor)
Indology, Philosophy (Majors), Kannada (Minor)
History, Economics, (Majors), Sanskrit (Minor)
History, Economics, (Majors) Kannada (Minor)

(iv) B.A. Degree (First Year) for 1967–68.
Philosophy, Indology (Majors) English (Minor)
History, Economics, (Majors) English (Minor)

(v) B. Com. Degree (I and II years) for 1967–68.

(vi) B. Sc. Degree (I year) for 1967–68 :
Physics, Chemistry (Majors), Mathematics (Minor) 32 students.
Physics Mathematics (Majors), Chemistry (Minor) 32 students.
Botany, Zoology (Majors), Chemistry (Minor) 32 students.

(vii) B. Sc. Degree (II year) for 1967-68

Physics, Chemistry (Majors) Mathematics (Minor)
Botany, Zoology (Majors), Chemistry (Minor)
(each 32 students.)

subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 74 UAC 67.]

By Order and in the name of the Governor of Mysore,

1163 S. N. SREENATH, *Under Secretary.*

HOME SECRETARIAT.

NOTIFICATION.

Bangalore dated 26th September 1967.

S. O. 1906.—In exercise of the powers conferred by sub-section (2) of Section 3 of the Mysore Home Guards Act, 1962 (Mysore Act 35 of 1962), the Government of Mysore hereby appoints Shri H. B. Dyavarappa, Advocate, Kolar, as Commandant, Home Guards with jurisdiction over Kolar District (except K. G. F.) from 26th September 1967, upto 31st March 1968.

[No. HD 150 SHG 67.]

By Order and in the name of the Governor of Mysore,

1184 G. S. TELANG, *Under Secy.*

Food, Civil Supplies and Labour Secretariat

ORDER.

Bangalore dated the 26th September 1967

S. O. 1907.—Whereas an Industrial dispute existing between the workmen and the management of New Taj Mahal Cafe (P) Limited, Mangalore, on the following issue, has been referred to the industrial Tribunal, Bangalore for disposal in Government Order No. LMA 345 LLD 67, dated 19th June 1967.

Whereas the management of New Taj Mahal Cafe (P) Limited, Mangalore has made a reference to Government to transfer the dispute from the Industrial Tribunal, Bangalore to the Additional Industrial Tribunal, Bangalore.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 33-B of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Mysore hereby withdraws the proceedings under the said Act before the Industrial Tribunal and transfers the proceedings to the Additional Industrial Tribunal, Bangalore for disposal.

Points of Dispute.

"Is the management of New Taj Mahal Cafe (P) Ltd., Mangalore required to give free medical aid or to bear the expenses of their workers whenever they fall ill?

If not, to what other relief are the workers entitled?"

(No. FCL 345 LLD 67.)

By order and in the name of the Governor of Mysore,

181 G. G. Purohit, *Under Secy*

ORDER.

Bangalore, dated 26th September 1967.

S. O. 1908.—WHEREAS an Industrial Dispute exists between the workmen and the management of New Taj Mahal Cafe (P) Limited, Mangalore on the following issue has been referred to the Industrial Tribunal, Bangalore, for disposal in Government Order No. LMA 357 LLD 67, dated 20th June 1967;

AND WHEREAS the management of New Taj Mahal Cafe Limited, Mangalore, has made a reference to Government to transfer the dispute from the Industrial Tribunal, Bangalore to the Additional Industrial Tribunal, Bangalore.

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 33-B of the Industrial Dispute Act, 1947 (Central Act No. 14 of 1947), the Government of Mysore, hereby withdraws the proceedings under the said Act before the Industrial Tribunal and transfers the said proceedings to the Additional Industrial Tribunal, Bangalore for disposal

Points of Dispute.

"I. Are the workmen of various establishments belonging to the New Taj Mahal Cafe (P) Limited, Mangalore entitled to revision and fixation of their pay scales with effect from 1st January 1964 as follows :—

1.	Cleaners	....	Rs. 30–5–75
2.	Suppliers and Helpers	....	Rs. 50–5–100
3.	Preparation Department Coffee and other things		Rs. 70–5–125

II. If not to what other pay scales or reliefs are they entitled ?"

[No FCL 357 LLD 67.]

By Order and in the name of the Governor of Mysore,

721 G. G. PUROHIT, *Under Secy.*

ORDER.

Bangalore, dated 26th September 1967.

S. O. 1910.—WHEREAS the Government of Mysore are of opinion that an industrial dispute exists between the Workmen and the Management of Shanta Picture Palace, Virajpet, Coorg District on the points noted below :

AND WHEREAS the Government of Mysore consider it desirable to refer the dispute for adjudication ;

NOW THEREFORE, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Labour Court Bangalore.

Points of Dispute.

"Whether the management of Shantha Picture Palace, Virajpet, Coorg District is justified in terminating the services of Sri K. R. Kaleel, Gate Keeper, with effect from 28th September 1966.? If not, is the workman entitled to reinstatement with backwages or to any other relief if any ?"

[No. FCL 554 LLD 67.]

By Order and in the name of the Governor of Mysore,

1183 G. G. PUROHIT, *Under Secy.*

ORDER.

Bangalore, dated the 29th September 1967.

S. O. 1911.—WHEREAS the Government of Mysore are of opinion that an Industrial Dispute exists between the Workmen and the Management of M/s. Standard Electronic Engineering Corporation, No. 99, Brigade Road, Bangalore-25, on the points noted below;

AND WHEREAS the Government of Mysore consider it desirable to refer the dispute for adjudication;

NOW, THEREFORE, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Labour Court at Bangalore.

Points of Dispute

"Is the Management of M/s. Standard Electronic Engineering Corporation, No. 99, Brigade Road, Bangalore–25, justified in terminating the services of Miss D' Souza?

If not, what other relief Miss D' Souza, entitled to?"

[No. FCL 550 LLD 67.]

By Order and in the name of the Governor of Mysore,

1198 G. G. PUROHIT, *Under Secy.*

Education Secretariat.

NOTIFICATION.

Bangalore, dated the 22nd—25th September 1967.

S.O. 1912—In exercise of the powers conferred under sub-section (3) of Section 44-A of the Mysore University (Amendment) Act, 1957, the Government of Mysore are pleased to sanction continuation of affiliation of the Desheeya Vidyashala College of Arts and Science, Shimoga to the Mysore University, for teaching the following courses :—

(i) B. A. Degree (First year).

History, Political Science (Majors), Economics (Minor).

Economics, Political Science (Majors), History (Minor).

Economics, Kannada (Majors), History (Minor).

Economics, Sociology (Majors), Political Science (Minor).

English, History (Majors), Socialogy (Minor).

History, Economics (Majors), Political Science (Minor).

(ii) B.Sc. Degree (First Year).

Mathematics, Statistics (Majors), Economics (Minor).

and extension of affiliation for teaching the following courses:

(i) B. A. (Second Year).

History, Political Science (Majors), Economics (Minor).

Economics, Political Science (Majors), History (Minor).

Economics, Kannada (Majors) History, (Minor).

(ii) B.Sc. (Second Year).
Mathematics, Statistics (Majors), Economics (Minor).

and fresh affiliation to run the B.Sc. Degree course (First Year) with Physics, Mathematics (Majors), Statistics (Minor) for a period of one year from June 1967 subject to the conditions laid down by the Local Inquiry Committee.

[No.ED 84 UAC 67.]

By Order and in the name of the Governor of Mysore,

1175 S. N. SREENATH, *Under Secy.*

AGRICULTURE AND FOREST SECRETARIAT.

NOTIFICATION.

Bangalore, dated 28th September 1967.

S.O.1913.—In exercise of the powers conferred by Section 19 of the Hyderabad Forest Act, 1355 Fasli (Hyderabad Act II of 1355 Fasli), as in force in the Hyderabad Area, the Government of Mysore with reference to the Government Notification No. S.O. 3476 (No. AFD 72 FAF 65), dated the 27th September 1965 published at pages 3009–10 of part IV–2–C (ii) of the *Mysore Gazette* dated 14th October 1965 hereby declares the land in Gangavati Taluk, Raichur District, specified in Schedule 'A' below to be reserved forest with effect from 1st October 1967 subject to exercise of the rights specified in Schedule 'B'.

SCHEDULE 'A'

Name of the Village and Block	Name of Range	Nature of land	Sy. Nos. included in the block	Area in Acres and Gts.
Virapapur Gaddi Taluk Gangavathi	Gangavathi	Parampok	49	248–26
			Total	248–26

BOUNDARIES

North : A to B.—The Forest boundary line starts from the point 'A' in the direction South-East corner in a zig-zag manner excluding Sy. Nos. 3, 2, 1 and changes its directions towards South and reaches the point 'B'.

East B to C.—From here the forest boundary line takes its directions towards South including Sy. No. 49 Parampok and reaches the point 'C'.

South C to D.—From here boundary line runs to the west to some extent and goes in the direction of North–West corner and downs towards South–West excluding Sy. No. 48 and further proceeds in a more zig-zag manner in the direction of North–West corner, and the cart track, passes in between Sy. Nos. 41, 40 and excluding Sy. Nos 47, 46, 45, 44, 41, 40 reaches the point 'D'.

West D to A.—From the point 'D' boundary starts towards North–East corner cutting the cart track 2 chains from the 'D' Station and reaches the starting point 'A'.

SCHEDULE 'B'

The paths and cart tracks will be opened for persons and cattle for passing through the forest block as usual. The villagers are allowed to graze their cattle in these portions of the forest block where fresh plantation has not been taken up by the Forest Department.

[No. AFD 213 FAF 66]

By Order and in the name of the Governor of Mysore,

1193 M. A. MECCAI, *Under Secy.*

PUBLIC WORKS SECRETARIAT.

NOTIFICATION.

Bangalore, dated 26th September 1967.

S. O. 1914.—In exercise of the powers conferred by Section 3 of the Mysore Electricity (Taxation on consumption) Act, 1959 (Mysore Act 14 of 1959), the Government of Mysore hereby makes the following amendment to the Notification No. PWD 2 ETS 66, dated 29th March 1966, namely :—

In the Table to the said Notification, in the entries relating to Item II in Column (3), for the figure and letters "2 paise" the figure and letters "1·5 paise" shall be substituted.

[No PWD 13 ETS 67.]

By Order and in the name of the Governor of Mysore,

1191 S. BALASUBRAMANYAN, *Under Secy.*

NOTIFICATION.

Bangalore, dated 29th September 1967.

S. O. 1915.—In exercise of the powers conferred by sub-section (1) of Section 47 of the Mangalore Port Trust Act, 1953 (Madras Act XV of 1953), the Government of Mysore hereby sanctions the following Amendments to the Statement of Conditions and scale of rates framed by the Board under Sections 44 and 45 of the said Act namely:—

In Schedule C to the said statement of Conditions and scale of rates, after Item 1, the following item shall be added namely:—

2. Rates of rent for the open transit sheds.

(a) Rent at Rs. 40 per shed per day or part thereof irrespective of the space occupied, in the case of Fertilizers and foods grains.

(b) *Pro-rata* to the space occupied at Rs. 40 per shed area per day or part thereof for stacking cargo other than fertiliyers and foods grains.

Explanation.—For purposes of this item, 'day' means the calendar day.

Goods will be stored at owner's risk and the Port Trust Board accepts no responsibility for its safe custody".

[No. PWD 4 PMT 67.]

By Order and in the name of the Governor of Mysore,

1203 B. U. VENKATARAMANAIAH, *Under Secy.*

HOME SECRETARIAT.

ORDER.

Bangalore, dated 25—27th September 1967.

S. O. 1916. WHEREAS the Government of Mysore is satisfied that the Motor Vehicle specified in the Schedule having an overhang in excess of that specified in sub-rule (2) of Rule 203 of the Mysore Motor Vehicles Rules, 1963 can be used in a public place without any danger to public safety;

NOW, THEREFORE, in exercise of the powers conferred by the second proviso to sub-rule (2) of Rule 203 of the Mysore Motor Vehicles Rules, 1963 and in supersession of the Order No. HD 347 TMA 64, dated the 17th December 1964, the Government of Mysore hereby exempts the said motor vehicle from the provisions of sub-rule (2) of Rule 203 of the said rules within the area of the whole of the State of Mysore.

SCHEDULE

Motor Vehicle of the Karnatak Medical College, Hubli bearing Engine No. SPC 71956 and Chassis No. P4B 21156 having an overhang of forty-eight per cent of the wheel-base.

[No. HD 150 TMA 65.]

By Order and in the name of the Governor of Mysore,

C. RAJANNA, *Under Secretary.*

FINANCE SECRETARIAT

NOTIFICATION.

Bangalore, dated the 25th September 1967.

S. O. 1917.—In exercise of the powers conferred by Section 16 of the Mysore Entertainments Tax Act, 1958 (Mysore Act No. 30 of 1958), and in partial modification of Notification No. RD 95 ENX 58-2, dated 1st January, 1959, the Government of Mysore hereby delegates the powers specified in Column (2) of the schedule below to the Officers specified in the corresponding entry in Column (3) therof :—

SCHEDULE

Sl. No.	Powers	Officers to whom delegated
1	2	3
(1)	Power under sub-section (1) of Section 7.	Commercial Tax Officer having jurisdiction over the area including Commercial Tax Officer incharge of such offices.

(No. FD 32 CEX 67.)

By Order and in the name of the Governor of Mysore,

SYED GULAM KHAJA,
Under Secretary.

1187

GOVERNMENT OF MYSORE.

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR)

Labour Dispute :—Industrial Dispute between the Workmen and the Management of Sri. G. K. Lakshminarayana Setty Auto-Rickshaw owner and Mandi Merchant, 150, Ebrahim Street, Bangalore-1.

Award of the Labour Court, Bangalore—published.

Read the following papers :—

(1) Letter No. 663/67-68, dated 14th September 1967 from Shri P. T. Kadkol, Presiding Officer, Labour Court, Bangalore.

BEFORE THE PRESIDING OFFICER, LABOUR COURT, BANGALORE.

Dated this 14th day of September 1967.

Present

Sri P. T. Kadkol, B.Sc., LL.B. — Presiding Officer.

Reference No. 21 of 1967.

Workmen represented by the Secretary, Bangalore District Motor Workers' Union, 70, Arcot Sreenivasachar Street, Bangalore-2 ... *I Party.*

Vs.

The Management of Sri G. K. Lakshminarayana Setty, Auto-Rickshaw Owner and Mandi Merchant, 150, Ebrahim Street, Bangalore-1 ... *II Party.*

Reference:

Government Order No. LMA 63 LLD 67, dated 15th February 1967.

AWARD

The Government of Mysore being of opinion that an industrial dispute exists between the Workmen and the Management of Sri G. K. Lakshminarayana Setty, Auto-Rickshaw Owner and Mandi-Merchant, Bangalore, have referred it to this Court for adjudication under Section 10 (1) (c) of the Industrial Disputes Act, 1947, by their Order No. LMA 63 LLD

67, dated 15th February 1967, setting out the following points of dispute for adjudication:—

> " Is the Management of Sri G. K. Lakshminarayana Setty Auto-Rickshaw Owner and Mandy Merchants, 150, Ebrahim Sahib Street, Bangalore-1, justified in terminating the services of Sriyuths: Dastagir Khan, Wajid Khan and Anwar ?
>
> If not, what are the reliefs the workers are entitled to ?"

2. The cause of the aggrieved workmen has been sponsored by the Bangalore District Motor Workers' Union, Bangalore which is a registered trade union. This Union as representing the workmen is the first party and the management of Sri. G. K. Lakshminarayana Setty, is the second party in this proceeding.

3. In response to the notice issued by the Court the first party has put in its statement of claims dated 5th April 1967 and the second party has put in its statement of objections dated 30th June 1967. On the basis of these pleadings various issues were framed on 30th June 1967 (*Vide* Order Sheet) and set down for hearing.

4. On 8th September 1967 when the case came up for hearing both parties appeared and submitted a joint memorandum of settlement, marked Ex. A and prayed for an award being passed in terms thereof. It is seen therefrom that the second party has, agreed to pay and the first party has agreed to receive certain sums of money in full satisfaction of the claims of the three workmen concerned in this dispute. I am of opinion that the terms are fair and reasonable. I accept it. Nothing further needs be done in the matter.

5. In the result I make an award as under :—

AWARD.

Reference is accepted. An Award is made between the parties in terms of the memorandum of settlement, Ex. A, which should be annexed to this Award and be deemed as forming part thereof. I order no costs.

P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

BEFORE THE HON'BLE LABOUR COURT, BANGALORE

Reference No. 21 of 1967

I Party.	*Vs*	*II Party*
Workmen represented by Bangalore District Motor Workers' Union.		Sri. G. K. Lakshminarayana Setty.

Memorandum of Settlement.

Both parties beg to file this joint Memorandum of settlement and pray that an Award may be passed in terms of the following :

The Management agrees to pay the following amount to the workmen mentioned in the reference !—

1.	Dastagir Khan	...	Rs. 300-00
2.	Wajid Khan	...	Rs. 140-00
3.	Anwar	...	Rs. 70-00
	Total	...	Rs. 510-00

The workmen agree not to press for their reinstatement, and they receive the amount in full satisfaction of their claims.

Bangalore.

Dated 8-9-1967.

I Party.

Sd. M. S. Rama Rao,

II Party.

Sd. G. K. Lakshminarayana Setty

Sd. V. J. Venkatesh

Filed,
and Marked Ex. A.
Intd. P. T. K.
8-9-67.

" Copy "

P. T. KADKOL
Presiding Officer,
Labour Court, Bangalore.

ORDER.

Bangalore, dated 23rd September 1967

S. O. 1918.—WHEREAS by State Government Order No LMA 63 LLD 67, dated 15th February 1967, the Industrial Dispute between the Workmen and the Management of Sri. G. K. Lakshminarayana Setty, Auot-Rickshaw owner and Mandi Merchant, 150, Ebrahim Street, Bangalore-1 was referred to the Labour Court, Bangalore for adjudication;

AND WHEREAS the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 63 LLD 67.

By Order and in the name of the Governor of Mysore.

1097 G. G. PUROHIT, *Under Secy*

GOVERNMENT OF MYSORE.

FOOD, CIVIL SUPPLIES AND LABOUR AND MUNICIPAL ADMINISTRATION DEPARTMENT

(LABOUR).

Labour Dispute.—Industrial Dispute between the Workmen and the Management of M/s. Coovercolly Estate, Kalagally Division, Somawarpet Post, Coorg District.

Award of the Industrial Tribunal Bangalore—Published.

Read the following papers :—

(1) Letter No. 641/67-68, dated 4th September 1967, from Shri P. T. Kadkol, Presiding Officer, Industrial Tribunal Bangalore.

BEFORE THE PRESIDING OFFICER, LABOUR COURT, BANGALORE.

Dated this 4th day of September 1967.

Present :

Sri P. T. Kadkol, B.Sc., LL.B., ... Presiding Officer.

Reference No. 34 of 1967.

Workmen represented by the Secretary, Coorg District Estate Workers' Union, Mercara ... *I Party*

Vs.

The Management of Coovercolly Estate, Kelagally Division, Somawarpet P. O., Coorg District ... *II Party.*

Reference.

Government Order No. LMA 105 LLD 67, dated 17th March 1967.

AWARD

The Government of Mysore being of opinion that an industrial dispute exists between the workmen and the management of Coovercolly Estate, Kelagally Division, Somawarpet Post, Coorg District, have referred it to this Court for adjudication under Section 10 (1) (c) of the Industrial Disputes Act, 1947,

by their Order No. LMA 105 LLD 67, dated 17th March 1967, setting out the following points of dispute for adjudication :—

"Whether the Management of Coovercolly Estate, Kelagally Division, Somawarpet (Post) Coorg District are justified in dismissing the services of Shri Appaji and Smt. Madhavi the workers of the said estate with effect from 19th February 1966 ? If not, are they entitled to reinstatement with back wages and continuity of service from that date, or other relief if any ?"

2. The cause of the aggrieved workmen has been sponsored by the Coorg District Estate Workers' Union, Mercara which is a Registered Trade Union. This Union as representing the Workmen is the first party and the Management of M/s. Coovercolly Estate is the second party in this proceeding.

3. In response to the notice issued by the court, the first party has put in its statement of claims dated 25th March 1967 and the second party has put in its statement of objections dated 16th May 1967.

4. When the case was called on for hearing at Mercara Camp on 30th August 1967 the representatives of both parties appeared and filed a joint memorandum of settlement, which was marked Ex. A. and prayed for an Award in terms thereof. From the terms of the settlement it is seen that the management has agreed to give the aggrieved workmen service gratuity and other benefits and the first party has agreed not to press for their reinstatement. I am of opinion that the terms of settlement are fair and reasonable and I accept them.

5. In the result I pass an award as under : —

AWARD.

Reference is accepted. An Award is passed between the parties in terms of the memorandum of settlement, Ex. A, which should be annexed to this Award and be deemed as forming part thereof. I order no costs.

P. T. Kadkol,
Presiding Officer,
Labour Court, Bangalore.

BEFORE THE HON'BLE LABOUR COURT, BANGALORE.

Camp : Mercara.

Reference No. 34 of 1967.

Workmen represented by the Secretary, Coorg District Estate Workers Union, Mercara *I Party.*

Vs.

The Management of Coovercolly Estate, Kelagally Division, Somawarpet P.O. Coorg Dist. *II Party.*

Joint Memorandum of Settlement.

Both the parties to the above dispute have arrived at a settlement on the following terms.

Terms of Settlement.

1. The II Party has agreed to treat the orders of dismissal of Sri Appan and Smt. Madhavi as dischage with effect from 19th February 1966, and pay both of them in addition to maternity allowance of Rs. 63 only due to Smt. Madhavi and arrears of bonus leave wages and other annual payments, if any service Gratuity at the rate of 15 days wages for each year of service or any part thereof in excess of six months.

2. The I Party agrees to the above terms and does not press for their reinstatement.

The parties pray that the Hon'ble Labour Court be pleased to pass an award on the above terms.

Dated the 30th day of August, 1967.

Agreed to abide.
Sd/- P. S. Ponnappa
Asst. Manager.
II Party Estate.

Agreed to abide.
Sd/- B. N. Kuttappa,
Secretary,
I Party Union.

Sd/- K. Ramadas,
Assistant Secretary,
Mysore State Planters Association,
Chickmagalur.

Filed, Recorded and Marked Ex. A.
Intd. P. T. K. 30/8.

"Copy"

P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

ORDER

Bangalore, dated 14th September 1967

S. O. 1919.—WHEREAS by State Government Order No. LMA 105 LLD 67, dated 17th March 1967, the Industrial Dispute between the Workmen and the Management of M/s. Coovercolly Estate, Kalagally Division, Somwarpet Post, Coorg District, was referred to the Industrial Tribunal Bangalore for adjudication :

AND WHEREAS the Industrial Tribunal, Bangalore has submitted to the State Government its award in respect of the said Industrial Dispute ;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore, are pleased to direct the publication of the said award as above in the *Mysore Gazette*.

[No. LMA 105 LLD 67.]

By Order and in the name of the Governor of Mysore,

1104 G. G. PUROHIT, *Under Secretary*.

ORDER.

Bangalore, dated 28th September 1967.

S.O. 1920.—WHEREAS the Government of Mysore are of opinion that an Industrial Dispute exists between the Workmen and the Management of Sri M. B. Mangalorkar, Race Horse Trainer, No. 4, Convent Road, Civil Station, Bangalore-25, on the points noted below ;

AND WHEREAS the Government of Mysore consider it desirable to refer the dispute for adjudication ;

NOW, THEREFORE, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Labour Court at Bangalore.

Points of Dispute.

"Is Sri K. Mohan, an employee of Sri M. B. Mangalorkar, Race Horse Trainer, No. 4, Convent Road, Civil Station, Bangalore-25 ?

If so, is Sri M. B. Mangalorkar, Race Horse Trainer, Bangalore-25, justified in terminating the services of Sri K. Mohan ?

If not, what other reliefs, if any, Sri K. Mohan, is entitled to ?"

[No. FCL 548 LLD 67].

By Order and in the name of the Governor of Mysore,

1199 G. G. PUROHIT, *Under Secy.*

NOTIFICATION.

Bangalore, dated 29 h Septem`er 1967.

S. O. 1921.—In exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the Employees' Provident Funds Act, 1952 (Central Act 19 of 1952) read with Notification No. PF-1/32/(5) (57-II) dated the 20th June 1958; issued by the Central Government, the Government of Mysore hereby exempts M/s. Best and Company Private Limited, Bangalore (hereafter called the Establishment) from the provisions of the Employees' Provident Funds Schemes, 1952, subject to the following conditions, namely :—

1. The employer of the establishment (hereinafter referred to as the 'Employer') shall within three months of the date of publication of this Notification, amend the constitution of the Provident Fund maintained in respect of the employees of the establishment as indicated in conditions 2 to 21 of this Notification.

2. The Provident Fund shall vest in a Board of Trustees and there shall be a valid instrument of Trust which adequately safeguards the interests of the employees.

3. The constitution of the Board of Trustees of the Provident Fund of the establishment and the election of employees' representatives on the Board shall be in accordance with the rules contained in the schedule to this notification.

4. The Provident Fund Rules of the establishment shall not be amended except with the previous approval of the Regional Commissioner, and where any amendment affects the interests of the employees' the Regional Commissioner, shall before giving his approval, give a reasonable opportunity to the representatives of the employees to explain their point of view.

5 (1) The employer shall before paying the member his wages in respect of any period or part of a period for which contributions are payable, deduct the employees'

contributions from his wages which together with his own contribution shall, within fifteen days of the close of every month, be paid to the Board.

(2) The Board shall make all investment of accumulations in securities of the Central Government subject to such conditions as the Central Government may, from time to time, give within two weeks of the payment of the Provident Fund contributions by the employers. The reinvestment or conversion of securities on maturity shall also be in the securities of Central Government. The employer of the establishment shall formulate a procedure for prompt investment of Provident Fund moneys and shall get it approved from the Regional Commissioner.

6. All expenses involved in the administration of the Provident Fund schemes including the maintenance of accounts, submission of accounts and returns, transfer of accumulations and payment of inspection charges shall be borne by the employer of the establishment.

7. The employer shall display on the notice board of his establishment in English and in Kannada, a copy of the approved rules and the translation of salient points of the rules in the language of the majority of the workers.

8. The employer shall within three months of the date of publication of this notification, transfer to the Board of Trustees the accumulations standing to the credit of the employees who but for the exemption would have been members of the Statutory Fund.

9. When the Fund is wound up or the exemption of the establishment is cancelled, accumulations standing to the credit of employees who but for the exemption, would have been members of the statutory Fund shall be transferred to that Fund as soon as possible and in any case, not later than thirty days in the case of securities and not later than ten days in the case of cash in hand or in a bank, together with a statement or statements as may be required by the Regional Commissioner.

10. The employer shall accept the past provident Fund accumulations of an employee who is already a member of the Employees' Provident Fund or an exempted fund and who obtains employment in his establishment. Such an employee shall immediately be admitted as a member of the Establishment's Provident Fund his accumulations which shall be transferred within three months, of his joining the establishment shall be credited to his account.

11. The employer shall provide for nomination in his Provident Fund Rules in accordance with the provisions contained in paragraph 61 of the Employees' Provident Funds Scheme, 1952.

12. The amount of contributions shall be calculated to the nearest quarter of a rupee, that is 12.5 paise or more shall be counted as the next higher quarter of a rupee and fractions of a rupee less than 12.5 paise shall be ignored. The amount of inspection charges and damages shall be calculated to the nearest 5 paise.

13. On all repayable loans granted by the Establishment, interest shall be charged at the rate of $4\frac{1}{2}$ per cent or 1 per cent above the rate allowed on the balance to the credit of the members, whichever is higher.

14. The employer shall pay to the Regional Commissioner inspection charges payable, failing which damages shall be paid at rates fixed by the State Government from time to time.

15. (i) The employer whenever there is a raise in the rate of statutory provident fund contribution shall revise the Provident Fund Scheme of the Establishment suitably so that the benefits under the said schemes are at no time less favourable than the benefits available under the Employees' Provident Fund Scheme.

(ii) The employer shall maintain accounts of provident fund in such manner and submit such returns to the Regional Commissioner as may be prescribed by the Central Commissioner from time to time.

(iii) The employer shall furnish to the Regional Commissioner such accounts of provident fund of the establishment as may be prescribed by the Central Commissioner from time to time He shall also furnish annual statement of accounts or a pass book in such form as may be prescribed by the Central Commissioner from time to time to the subscriber who but for the exemption would have been a member of the Provident Fund of the establishment.

16. The employer shall submit an audited copy of the balance sheet of the provident fund every year to the Regional Commissioner as soon as the balance sheet is prepared.

17. The employer shall transfer the monthly contributions to the Board of Trustees within fifteen days of the close of the month, failing which he shall pay interest to the above Board at the following rates :—

Period of default :

1st Default	2% of arrears	5% of arrears	10% of arrears	15% of arrears	20% of arrears	25% of arrears
2nd default	5% of arrears	10% of arrears	15% of arrears	20% of arrears	25 % of arrears	
3rd default	10% of arrears	15% of arrears	20% of arrears	25% of arrears		
4th default	15% of arrears	20% of arrears	25% of arrears			
5th default	20% of arrears	25% of arrears				
6th default	25% of arrears					

18. Notwithstanding anything in the provident fund rules of the establishment, the amount payable to any member upon his ceasing to be an employee of the establishment by way of employers' and employees' constributions *plus* interest thereon taken together with the amount,

f any, payable under the Gratuity Pension Rules, be less than the amount that would be payable as employers' and employees' contributions *plus* interest thereon, if he were a member of the Provident Fund under the Employees' rovident Fund scheme, the employer shall pay the difference to the member as compensation or/special contribution.

19. All matters not herein provided for shall be regulated by the approved Provident Fund Rules of the Establishment.

20. The exemption granted by this notification shall be liable to be withdrawn by the State Government for breach of any of the aforesaid conditions or for any other sufficient cause which may be considered appropriate.

21. (1) The employer shall in relation to the establishment carry out such instructions as the State Government may from time to time, issue for the purpose of enforcing all or any of the aforesaid conditions.

(2) The State Government reserves the right to impose such further conditions as may be deemed necessary in the interests of the employees of the establishment.

SCHEDULE.

Rules regarding the election of Employees' Representatives on the Board of Trustees of Provident Fund of an establishment exempted under Section 17 (1) (b) of the Employees' Provident Funds Act, 1952.

(*See* Conditioon 3)

(i) **Constitution** :—The employer shall constitute a Board of Trustees (hereinafter referred to as the Board) in the manner hereinafter provided.

(ii) **Number of members** :—(a) The Board of Trustees shall consist of an equal number of representatives of the employers and the employees. The number of trustees on

the Board shall be so fixed as to afford as for as possible, representation to workers in various branches/departments of the establishment:

Provided that the number of trustees on the Board shall neither be less than six nor more than twelve.

(b) In case there is a common Provident Fund for a group of two or more establishments under the employer, one Board may be constituted for all such establishments and in such a case the employees of each such establishment shall be entitled to elect a trustee on the Board.

(iii) **Employees' Representatives**:—The employer shall nominate his representatives from amongst the officers employed in managerial or administrative capacity in the establishment.

(iv) **Election of employees' representatives**—The representatives of the employees shall be elected by the members of the Fund in an election to be held for the purpose on any working day:

Provided that wherever there is a recognised union under the Code of Discipline or under any law, such union shall nominate the employees' representatives;

Provided further that wherever there is no recognised Union, the representative union, if any, existing under any law regulating the recognition of workers' Union, shall nominate the employees' representatives;

Provided also that wherever there is neither a recognised Union nor a representative Union of workers, any Union existing in the establishment and qualified for recognition by the employer, shall nominate the employees' representatives and where there is more than one such Union, the procedure laid down in the Industrial Disputes (Mysore) Rules, for the election of the workers; representatives on the workers Committee shall be followed with such modification, if any, as may be considered necessary by the Regional Provident Fund Commissioner.

(v) **Qualifications of Candidates for election** :—(a) Any member of the Fund who is not less than twenty one years of age may, if nominated as hereinafter provided, be a candidate for election as an employees' representative.

(b) An outgoing trustee shall be eligble for re-election or re-nomination, as the case may be.

(vi) **Procedure for election** : The employer shall fix a date for receiving nominations from candidates for election as employees' representatives. He shall also fix a date for the withdrawal of nomination and the date of election which shall not be earlier than three days or later than ten days after the last date for withdrawal of nominations. The dates so fixed shall be notified to the members at least seven days in advance. The notice shall be affixed on the notice Board of the Establishment. The notice shall also specify the number of seats to be filled by the employees representatives. A copy of such notice shall also be sent to the recognised trade Union or the Unions concerned in the establishment and to the Regional Provident Fund Commissioner.

(vii) **Nomination of candidate for election** :— Every nomination shall be made in the form annexed to these rules. Each nomination papers shall be signed by the candidate to whom it relates and attested by atleast two members of the Fund other than the proposer and shall be delivered to the employer on or before the closing date fixed for receiving the nominations.

(viii) **Scrutiny of Nomination Papers** :—The employer shall scrutinize the nomination papers received under rule (vii) on the date following the last date fixed for withdrawing the nomination papers. The candidates or his nominee, the proposer or the attesting members may be present, if they so desire. Invalid nomination papers shall be rejected.

(ix) **Voting** :—(a) If the number of candidates who have been validly nominated is equal to the number of seats, the candidates shall forthwith be declared duly elected.

(b) If the number of candidates is more than the number of seats, voting shall take place on the date fixed for election.

(c) The election shall be conducted by the employer in the presence of an officer, deputed by the Regional Provident Fund Commissioner, if there is a request from the employees or employer.

(d) Every member of the Fund shall have as many votes as there are seats to be filled on the Board:

Provided that each such member shall be entitled to cast only one vote in favour of any candidate.

(e) The voting shall be by Secret ballot.

(x) **Disqualifications of a trustee:**—A person shall be disqulified for being a trustee of the Board;—

(i) if he is declared to be of unsound mind by a competent Court; or

(ii) if he is an undischarged insolvent; or

(iii) if he has been convicted of an offence involving moral turpitude

(xi) **Chairman of the Board:**—The employer shall nominate one of his representatives on the Board to be the Chairman thereof.

(xii) **Method of deciding questions:**—All questions before the Board shall be decided by a majority of votes. In the event of an equality of votes, the Chairman shall exercise a casting vote.

(xiii) **Filling of casual vacancies:**—In the event of a trustee, elected or nominated, ceasing to be a trustee during the tenure of the Board, his successor shall be elected or nominated, as the case may be in the manner herein before provided for election or nomination, and shall hold office for the remainder of the term of the trustee who has ceased to be a trustee.

(xiv) **Reference to Regional Provident Fund Commissioner:**—In case of any dispute or doubt, the matter be referred to the Regional Provident Fund Commissioner in whose region the Head Office of the Establishment is situated. His decision in the matter shall be final and binding.

ANNEXURE.

FORM OF NOMINATION PAPER.

(See Rule vii)

Name of the Branch/Department

I hereby nominate Shri

(Name of the Employees' candidate with his Provident Fund Account No.)

as a candidate for election to the Board of Trustees.

DATED:

(Signature of the proposer with his Provident Fund Account No.)

ADDRESS:

I hereby declare that I agree to this nomination.

Dated: Signature of Candidate.

Address.

Attested by (i) (ii)

TO BE SIGNED BY TWO MEMBERS OF THE PROVIDENT FUND

CERTIFICATE OF DELIVERY:—

This nomination paper was delivered to me at my office on..... by the candidate/proposer.....

EMPLOYER.

[No. FCL 235 LPF 67.]

By Order and in the name of the Governor of Mysore,

1196 G. G. PUROHIT, *Under Secretary.*

ORDER.

Bangalore, dated the 29th September 1967.

S. O. 1922.—WHEREAS the Government of Mysore are of opinion that an Industrial Dispute exists between the workmen and the management of M/s. Stumpp Schule and Somappa Private Limited, Hosur Road, Bangalore on the points noted below:

AND WHEREAS the Government of Mysore consider it desirable to refer the dispute for adjudication;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Labour Court at Banglore.

Points of Dispute

"Whether the termination of the services of Sri Srinivasa Pra-anna, T. No. 159 and Sri M. K. Kupparaj. T. No. 59 by the management of M/s. Stumpp, Schule & Somappa Private Limited is justified?

If not are the above workmen entitled to reinstatement with back wages from the date of termination to the date of reinstatement or any other relief?

(No. FCL 450 LLD 67.)

By Order and in the name of the Governor of Mysore,

1197 G. G. PUROHIT, *Under Secy.*

Education Secretariat.

NOTIFICATION.

Bangalore, dated 23th September 1967.

S. O. 1923.—In exercise of the powers conferred under sub-section (3) of Section 44–A of the Mysore University (Amendment) Act 1957, the Government of Mysore are pleased to sanction continuation of affiliation of the Municipal First Grade College, Chintamani to the Mysore University for teaching the following courses :—

(i) P.U.C. (Arts) History, Economics, Logic ;

(ii) P.U.C. (Science)
Physics, Chemistry, Mathematics (2 Sections of 72 students each)
Physics, Chemistry, Biology (One Section of 72 students) ;

(iii) B.Sc. Degree (I and II Years)
Physics, Mathematics (Majors)
Chemistry (Minor)
Botany, Zoology (Majors)
Chemistry (Minor)
} Each 24 students ;

and extension of affiliation for teaching Third Year B.Sc. Degree Course with the same combinations and fresh affiliation to run the B.A. Degree Course (First Year) with History, Economics (Majors) Sociology (Minor) ;

for a period of one year from June 1967 subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 83 UAC 67.]

By Order and in the name of the Governor of Mysore,

S. N. Sreenath, *Under Secy.*

1201

FOOD, CIVIL SUPPLIES AND LABOUR SECRETARIAT

GOVERNMENT OF MYSORE.

FOOD, CIVIL SUPPLIES AND LABOUR AND MUNCIPAL ADMINISTRATION DEPARTMENT (LABOUR).

Labour Dispute.—Industrial Dispute between the Workmen and the Management of Bharatha Matha Fruit Stall, No. 7, K. R. Market, Bangalore–2

Award of the Industrrial Tribunal, Bangalore—Published.

Read the following papers :—

(1) Letter No. 634/67-68, dated 2nd September 1967, from Shri P. T. Kadkol, Presiding Officer, Industrial Tribunal, Bangalore.

BEFORE THE PRESIDING OFFICER, LABOUR COURT, BANGALORE.

Dated this 2nd day of September 1967.

Present

Shri P. T. Kodkol, B. Sc., LL.B., Presiding Officer.

Reference. No. 25 of 1967.

Sri V. Abdul Jabbar, H. No. 106,A 5th Cross, Vanik..ugar, Mysore Road, Bangalore. 26. ... *I Party.*

Vs

The Management of Bharatha Matha Fruit Stall, No. 7, K. R. Market, Bangalore–2. ... *II Party.*

Reference.

Government Order No. LMA 58 LLD 67, dated 23rd February 1967.

AWARD.

The Government of Mysore being of opinion that an industrial dispute exists between the workmen and the management of Bharatha Matha Fruit Stall, No. 7, K. R. Market, Bangalore have referred it to this court for adjudication under Section 10(1) (c) of the Industrial Disputes Act, 1947 by their Order No. LMA 58

LLD 67 Dated 23rd February 1967, setting out the foliowing points of dispute for adjudication .—

> "Is the Management of Bharatha Matha Fruit stall No. 7, K. R Market, Bangalore-2 justified in refusing employment of Sri. V. Abdul Jabbar, with effect from 17th June 1966?
>
> If not, is the worker entitled to reinstatement with back services and wages or any other compensation."

2. This reference has been made by the Government under Section 2-A of the Industrial Dispute Act, 1947, read with Section 10(1) (c) thereof. The aggrieved workman V. Abdul Jabbar has appeared in person and he is the first party. The Management of Bharatha Matha Fruit Stall is the second party.

3. In response to the notice issued by this Court, the first party Abdul Jabbar has filed his claim statement dated 17th March 1967. Therein he has averred that he joined service under the Second Party on 27th July 1964 and his services were terminated on 17th June 1966 without any cause or reason. He has not however asked for any reinstatement. He has only prayed that the second party should be directed to pay him over time wages, service compensation and notice pay.

4. The second party has submitted its statement of objections dated 20th June 1967. It has contended therein that Abdul Jabbar was never a workman under it; hence this dispute is not an industrial dispute; all the averments made by Abdul Jabbar in his statement of claims are false; and hence this reference be rejected.

5. The case was fixed for documents and issues on 6th July 1967. It was adjourned to 16th August 1967. Meanwhile Abdul Jabbar sent an application dated 20th June 1967 to this court by Registered Post. It was received to Court on 5th July 1967. In this application, Abdul Jabber has stated that he had settled the dispute with the second party and hence does not press this reference.

6. Notice of this application was issued to both parties calling upon them to give their say with regards to the alleged settlement. The notice sent to Abdul Jabbar was returned to this court by the postal authorities with an endorsement that the

addressee had left the place and his whereabouts were not known. The second party has appeared through its advocate. A note to this effect was made in the Order Sheet of 14th August 1967 and the case was posted to 23rd August 1967 for evidence with regard to the alleged settlement. On 23rd August 1967 also Abdul Jabbar was absent. For the second party appeared its proprietor G. Mani. He has examined himself as M. W. 1. He has sworn that the dispute under reference has been settled out of court by his paying Abdul Jabbar a sum of Rs. 50 in full and final settlement of all his claims. He has identified the two signatures of Abdul Jabbar on the application dated 20th June 1967. That application is marked Ex. A. and the two signatures of Abdul Jabbar have been marked as Ex. A. (1) and Ex. M. (2). Since the aggrieved workman Abdul Jabbar has stated that the matter has been settled out of court and Mr. Mani the proprietor of the second also has confirmed it, I hold that the dispute has been settled out of court as stated in the applicant Ex. A. sent by Abdul Jabbar.

7. In the result therefore I make an Award as under:—

AWARD.

Reference is accepted. An Award is made between the parties as per the application Ex. A. sent byAbdul Jabbar which should be annexed to this Award and be deemed as forming part thereof. I order no costs.

P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

"Copy"

P. T. KADKOL
Presiding Officer,
Labour Court, Bangalore.
2-9-1967

THE COURT OF THE PRESIDING OFFICER, LABOUR COURT AT BANGALORE.

Reference No. 25 of 1967.

Sri V. Abdul Jabbar,
H. No. 106 A, Fifth Cross
Valmikinagar, Mysore Road,
Bangalore-26. ... First Party.

Vs

The Management of Bharat Matha
Fruit Stall, No. 7, K. R. Market,
Bangalore-2. ... Second Party.

I, the First Party in the abovesaid case begs to submit as follows :—

That 1 have approached the Second party and got solved my grievances. Thus I have settled the dispute with the second party. Hence I do not press for the petition.

Therefore I request your good-self to be kind enough to dismiss the application without costs in the interst of justice and equity.

(Sd.) K. Abdul Jabbar Marked
A-1. Intd.P. T. K.
23/8.

Place. Bangalore.
Dated. 20-6-1967.

First Party.
(Sd.) V. Abdul Jabbar, Marked A-2
Intd. P. T. K.
23/8

Marked A.
Intd. P. T. K.
23/8.

"COPY"

P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

ORDER.

Bangalore, dated the 14th September 1967.

S. O. 1924.—WHEREAS by State Government Order No. LMA 58 LLD 67, dated 23rd February 1966, the Industrial Dispute between the Workman and the Management of Bharatha Matha Fruit Stall, No. 7, K. R. Market, Bangalore-2 was referred to the Industrial Tribunal, Bangalore for adjudication.

AND WHEREAS the Industrial Tribunal, Bangalore, has submitted to the State Government, its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 58 LLD 67.]

By Order and in the name of the Governor of Mysore,

1103 G. G. PUROHIT, *Under Secy.*

COMMERCE AND INDUSTRIES SECRETARIAT

GOVERNMENT OF MYSORE

(COMMERCE AND INDUSTRIES DEPARTMENT)

Subject.—**Determination of Mining Lease granted to Sri B R. Dayanath-Singh for Clay ore over an area of 99-39 hectares in Jakkasandra and other Villages, Taluk Malur, District Kolar for a period of 20 years.**

(i) Government Order No. CI 335 MML 62, dated 14th August 1962.
(ii) Government letter No. CI 199 EMO 66, dated 10/12th August 1966.
(iii Letter No. 34 DTN 66 dated 26th August 1967 from the Director of Mines and Geology, Bangalore.

PREAMBLE.—

Government in their Notification read at (i) above, sanctioned the grant of Mining Leasee over the abovementioned area to Sri B. R. Dayanath Singh and the said lease bearing No. 522 was executed on 11th September 1962.

(2) In the Government letter at (ii) read above, Government issued a notice to the lessee calling upon him to pay the arrears of Rs. 5,373 towards mining revenue due to Government upto 31st December 1965, within a period of sixty days from the date of that letter, failing which further proceedings would be taken to determine the Mining Lease in question and also forfeit the whole of the Security Deposit paid by the lessee on this account.

The Director, of Mines and Geology, Bangalore, in his letter read at (iii) above, reports that apart from paying Rs. 500 Sri B. R. Dayanath-Singh has not taken any steps to clear the arrears of mining revenue due to Government inspite of having allowed 6 months time over and above notice period in Government letter No. CI 199 EMO 66, dated 4th January 1967. It is also reported that the lessee has not commenced mining operations. Hence the Director advises Government that the Mining Lease in question may be determined.

ORDER.

Bangalore, dated 21st September 1967.

S. O. 1925.—Government hereby order determination of the abovementioned Mining Lease granted to Shri B. R. Dayanath Singh with effect from 11th October 1966 and also the adjustment of the Security Deposit, etc., paid by the lessee against the dues.

[No. CI 197 EMO 67.]

By Order and in the name of the Governor of Mysore,

1149 N. NARAYANASWAMY, *Under Secy.*

NOTIFICATION.

Bangalore, dated 8th August 1967.

S. O. 1926.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Mysore Industrial Areas Development Act, 1966 (Mysore Act 18 of 1966), the Government of Mysore hereby specifies the fifteenth day of August 1967 as the date from which Chapter VII of the said Act shall come into force, in the area declared as industrial area in Notification No. CI 98 GMI 67 (i) /dated 8th August 1967.

[No. CI 98 GMI 67–II.]

By Order and in the name of the Governor of Mysore,

M. SUBRAMANYAM,
Secretary to Government,
Commerce and Industries Department.

Food, Civil Supplies and Labour Secretariat

NOTIFICATION.

Bangalore, dated 28th September 1967.

S. O. 1927.—Whereas the Government of Mysore is satisfied that there is a public emergency.

Now, therefore, in exercise of the powers conferred by Section 5 of the Factories Act, 1948 (Central Act 63 of 1948), and in supersession of all previous notifications, issued in this behalf, the Government of Mysore hereby exempts Motor Industries Company Limited Bangalore, for the period of three months from 1st October 1967 from the provisions of Sections 51, 52, 53, 54 and 56 and also from Section 79 of the said Act to the extent that leave may be refused where necessary in the exigencies of Service, except in case of illness, subject to the following conditions :

(i) No worker shall be required or allowed to work overtime in a factory for more than 48 hours in a quarter ;

(ii) No worker who is sick or unwilling shall be required to work over-time in the factory ;

(iii) The workers deprived of the weekly holidays provided in Section 52 of the Factories Act, shall be allowed compensatory holiday in lieu of such weekly holidays, lost and

(iv) A worker who has applied for leave with wages and has not been given such leave, shall be entitled to carry forward the unavailed leave without any limit.

[No. FCL 109 LFB 67.]

By Order and in the name of the Governor of Mysore,

1202 G. G. Purohit, *Under Secy.*

ORDER.

Bangalore, dated 29th September 1967.

S. O. 1928.—WHEREAS the Government of Mysore are of opinion that an Industrial Dispute exists between the workmen and the management of Gokak Mills Ltd., Gokak Falls, District Belgaum on the points noted below;

NOW THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Industrial Tribunal at Bangalore.

Points of Dispute

"Are the management of the Gokak Mills Limited, Gokak Falls justified in declaring bonus for the year 1966 at 4% of the wages earned during that year?

If not, at what other rate of bonus in respect of the said accounting year, are the workmen entitled to?"

[No. FCL 585 LLD 67.]

By Order and in the name of the Governor of Mysore,

1204 G. G. PUROHIT, *Under Secretary.*

ORDER

Bangalore, dated 29th September 1967.

S. O. 1929.—WHEREAS the Government of Mysore are of opinion that an Industrial Dispute exists between the workmen and the management of Karnatak Bangle Works (Branch), Rajaginagar, Bangalore-10 on the points noted below;

NOW, THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Additional Industrial Tribunal at Bangalore.

Points of Dispute

"Are the workers of Karnatak Bangle Works (Branch), Rajajinagar, Bangalore-10, justified in demanding the following ?

(1) Every unskilled worker shall be paid minimum wage of Rs. 85 per month.

(2) An immediate increase of 30 % of the wages or Rs 30 per month which ever is higher shall be paid to every worker.

(3) Dearness Allowance of 25 paise per point of increase over the Consumer Price Index Number for Bangalore published by Government for the month of April, 1966.

(4) Paid Casual Leave for 10 days in a year.

(5) Supply of ½ a Litre Milk a day to all the employees.

(6) Attendance Bonus of 2 days wages in every month.

(7) Every worker shall be made permanent after 3 months of services.

[No. FCL 553 LLD 66.]

By Order and in the name of the Governor of Mysore,

1200 G. G. PUROHIT, *Under Secy.*

GOVERNMENT OF MYSORE.

[FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR)]

Labour Dispute.—Industrial Dispute between the Workmen and the Management of Swami Vivekananda Industries, No. 14, Haines Road, Bangalore-1.

Award of the Labour Court, Bangalore—Published.

Read the following papers :—

(1) Letter No. 670/67-68 dated 16th September 1967 from Shri P. T. Kadkol, Presiding Officer, Labour Court, Bangalore.

BEFORE THE PRESIDING OFFICER, LABOUR COURT, BANGALORE.

Dated this 16th day of September 1967.

Present :

Sri P. T. Kadkol, B.Sc., LL.B. ... *Presiding Officer.*

Reference No. 30 of 1967.

Sri. C. K. Gopalan, Welder, C/o Muniswamappa Building, Nagannapalyam, Maruthisevanagar P. O., Bangalore-5.

... *First Party.*

Vs.

The Management of Swami Vivekananda Industries, No. 14, Haines Road, Bangalore-1.

... *Second Party.*

Reference : Government Order No. LMA 660 LLD 66, dated 16th January 1967.

AWARD.

The Government of Mysore being of opinion that an industrial dispute exists between the workmen and the management of Swami Vivekenanda Industries, Bangalore have referred it to this Court for adjudication under Section 10 (1) (c) of the Industrial Disputes Act, 1947, by their Order No. LMA 660 LLD 66, dated

16th January 1967 setting out the following points of dispute for adjudication:—

"Whether the Management of Swami Vivekananda Industries, No. 14, Haines Road, Bangalore-1 is justified in terminating the services of Sri. C. K. Gopalan, Welder.

If not, what is the relief to which the workman is entitled?"

2. The aggrieved workman in this case is C. K. Gopalan. His cause has not been sponsored by any trade union or the other workmen. The reference has been made by Government presumably under Section 2-A of the Industrial Disputes Act, 1947. The workers are arrayed as the first party and the management of M/s. Swami Vivekanada Industries is arrayed as the second party in this proceeding.

3. In response to the notice issued by this Court the aggrieved workman C. K. Gopalan has submitted his statement of claims dated 18th March 1967 and the management of the second party has submitted its statement of objections dated 29th March 1967. On these pleadings some issues were framed and set down for hearing (*vide* Order sheet dated 22nd April 1967.)

4. According to the aggrieved workman, he was employed by the management of the second party and worked there from 13th February 1966 to 26th April 1966 and on the latter date his services were illegally terminated by the second party. According to the management of the second party, however, C. K. Gopalan was never in its employment.

5. When the matter came up before me on 17th July 1967 Mr. K. Gopalan representing the second party proposed that if the aggrieved workman Sri. C. K. Gopalan were to take a special oath touching the photo of Lord Venkateswara to the effect that the amount claimed by him represents wages for the work done by him, then he would pay him a sum of Rs. 100 in full and final settlement of the dispute. C. K. Gopalan accepted the offer. Accordingly, C. K. Gopalan took a special oath as proposed. Soon thereafter the parties submitted a joint memorandum of settlement marked Ex. A and the magnament of the second party paid a sum of Rs. 100 to the aggrieved workman Sri. C. K. Gopalan. The parties have asked me to make an award in terms of the

memorandum marked Ex. A. Considering the pleadings and the opening statements, I am of the view that the settlement as embodied in Ex.A. is quite fair and reasonable. Hence I accept it and proceed to make an Award as under:—

AWARD.

Reference is accepted. Award is made between the parties as per terms contained in the joint memorandum of settlement marked Ex. A which should be annexed to this Award and be deemed as forming part of it.

(Sd.) P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

"Copy"

P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

BEFORE THE HONOURABLE LABOUR COURT AT BANGALORE.

Reference No. 30 of 1967.

C. K. Gopalan ... *I Party.*

Vs.

Management of Swamy Vivekananda Industries... *II Party.*

Both the parties abovenamed beg to report the following settlement and pray that this Hon'ble Court may be pleased to pass an Award in terms of the settlement.

Settlement.

1. The 2nd Party agrees to pay a sum of Rupees One Hundred only and further the 2nd party paid the amount of Rs. 100 in the open court to the 1st Party workman Sri C. K. Gopalan.

2. The 1st Party workman Sri. C. K. Gopalan has received this amount of Rs. 100 in full and final settlement of all his claims including his claim for earned wages, reinstatement, etc. The 1st Party agrees that this settlement is in full and final satisfaction of all his claims against the 2nd Party and this settlement terminates the employer and employee relationship between the 1st and the 2nd party.

3. Each party to bear their own costs.

17-7-1967
Bangalore.
(Sd.) Allampalli Venkataram
17-7-67

1st Party
(Sd.) C. K. Gopalan.
2nd Party
(Sd.) K. Gopalan

For the 1st Party Workman.
(President, Bangalore
General Labour Union)
Filed, Recorded and marked Ex. A.
Intd. P. T. K.
17/7/67.

"COPY"

P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

ORDER

Bangalore, dated 23rd September 1967.

S. O. 1930.—WHEREAS by State Government Order No. LMA 660 LLD 66, dated 16th January 1967 the Industrial Dispute between the Workmen and the Management of Swami Vivekananda Industries, No. 14, Haines Road, Bangalore-1 was referred to the Labour Court, Bangalore for adjudication ;

AND WHEREAS the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 660 LLD 66.]

By Order and in the name of the Governor of Mysore,

1170 G. G. PUROHIT, *Under Secy.*

GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR AND MUNICIPAL ADMINISTRATION DEPARTMENT, (LABOUR)

Labour Dispute :—Industrial Dispute between the workmen and the management of India Tin Industries, (P) Ltd., Old Madras Road, Bangalore-16.

Award of the Additional Tribunal, Bangalore—Published.

Read the following papers :

(i) Letter No. AI. T. No. 512-13/67-68, dated 13th September 1967 from Sri V. C. Ramachandran Presiding Officer, Additional Industrial Tribunal, Bangalore.

BEFORE THE ADDITIONAL INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Dated 12th September 1967.

PRESENT

Sri V. C. Ramachandran, B.A., B.SC., A. R.C.S., Bar-at-Law,
Presiding Officer.

A. I. D. No. 4 of 1966.
I. D. No. 31 of 1964.

The Workmen of India Tin Industries, Private Ltd., Old Madras Road, Bangalore-16. ... *I Party.*

The Management of India Tin Industries, Private Ltd., Old Madras Road, Bangalore-16. ... *II Party.*

APPEARANCES.

For the 1st Party.—Sri M. C. Narasimhan, Advocate, Bangalore.

For the 2nd Party.—Sri S. G. Sunderswamy, Advocate, Bangalore.

REFERENCE

(Goverenment Order No. PLM 375 LLD 63, dated 1st Oct. 1963.)

This is a Reference referred by the Government of Mysore in their Order No. PLM 375 LLD 63, dated 1st Oct. 1963 to the then Additional Industrial Tribunal presided over by Sri K. Gubbaiah for adjudication under Section 10 (1) (d) of the Industrial

Disputes Act, 1947. After the abolition of that Tribunal the said Dispute was transferred to the Industrial Tribunal by the Government of Mysore. It was taken on the file of the Industrial Tribunal and numbered as I.D. No. 31 of 1964. Again the said dispute was transferred to the Additional Industrial Tribunal by the Government of Mysore and it was renumbered as A.I.D. No. 4 of 1966 and taken on the file of this Tribunal for adjudication. The points referred for adjudication are (1) whether the employees should be paid bonus at the rate of 35% of their average wages earned during the years 1961-62 and 1962-63 (2) for evolving a Gratuity Scheme of one month's pay including D. A. for every year of service they put in.

2. The claims of the workers for gratuity as well as for bonus for the years 1961-62 and 1962-63 were resisted by the Management on various grounds, firstly that there was no profit made during the years in question and therefore, there was no available surplus during the years which would entitle them for bonus and secondly that the Company is not in a position financially to start the Gratuity Scheme. The Profit and Loss Account during the last few years according to the Management indicate that the industry is neither in a position to pay the bonus claimed by the workmen nor introduce any Gratuity Scheme as envisaged in the Claim Statement.

3. A number of Issues have been framed with regard to liability of the Management to pay the Bonus for the years 1961-62 and 1962-63 and also with regard to the introduction of the Gratuity Scheme. It is, however, unnecessary to go into these Issues because fortunately after the evidence had been closed and before arguments were heard, the Parties had come to a settlement of the disputes. They have filed a Memorandum of Settlement under which it is agreed between them that the introduction of Gratuity Scheme will await the recommendations of the Wage Board constituted by the Central Government for Engineering Industries. The workmen have received bonus for the years ending 30th June 1965 and 30th June 1966 and have given up their claims for the years 1961-62 and 1962-63. Indeed a perusal of the Balance Sheets for those two years show clearly that there was no available surplus out of which bonus could be paid to the workmen. Taking all these circumstances into consideration, I am of the view that the settlement reached between the Parties during the course of the proceedings before this Tribunal is just

fair and reasonable and accepting the Settlement, I pass the following :—

AWARD

The terms of settlement arrived at between the Parties, a copy of which is annexed hereto, will be the Award in the above case. There will be no order as to costs.

V. C. RAMACHANDRAN
Presiding Officer.
Additional Industrial Tribunal,
Bangalore.

ORDER.

Bangalore, dated the 15th September 1967.

S. O. 1931.—WHEREAS by State Government Order No. PLM 375 LLD 63, dated 1st October 1963, the Industrial Dispute between the Workmen and the Management of India Tin Industries, (P) Ltd., Old Madras Road, Bangalore-16. was referred to the Industrial Tribunal, Bangalore for adjudication ;

And whereas this dispute was transferred to Additional Industrial Tribunal, Bangalore by G.O.No. LMA 595 LLE 66, dated 17th Dec. 1966.

AND WHEREAS the Additional Industrial Tribunal, Bangalore has submitted to the State Government its award in respect of the said Industrial Dispute.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. PLM 375 LLD 63.]

By Order and in the name of the Governor of Mysore,

G. G. PUROHIT,
Under Secretary

1171

DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS.

NOTIFICATION I.

Bangalore, dated 30th September 1967.

S. O. 1932.—The Governor of Mysore hereby makes the following amendments in Notification No. GAD 31 SRR 63, dated the 2nd September 1963, sanctioning the establishment of the State Services Cadres in respect of the Office of the Advocate General under Mysore General Service, namely:—

In the said Notification,—

(1) before the entries relating to Class III Posts, the following entries shall be inserted and shall be deemed to have been inserted with effect from the 1st day of February 1967, namely :—

" Class II Post.

Manager	1	Rs. 250–20–350–25–500"

(2) under the heading "Class III Posts", the entries relating to the category of post of Manager shall be omitted and shall be deemed to have been omitted with effect from the 1st day of February 1967.

(3) for the entries relating to I Division Clerks, the following entries shall be substituted and shall be deemed to have been substituted with effect from the 18th day of October 1966, namely:—

" Assistant Managers	3	Rs. 110–5–150–6–180–10–200 with Special Pay of Rs. 20 p.m.
I Division Clerks		Rs. 110–5–150–6–180–10 –200"

G. S. PATHAK,
Governor of Mysore.

[No. LAW 71 LAG 67.]

By Order and in the name of the Governor of Mysore,

1208

S. V. PAPA REDDY,
Secretary to Government,
Department of Law and Parliamentary Affairs.

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PART IV

Section 2-C—(ii)

STATUTORY ORDERS ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS.

FINANCIAL SECRETARIAT.

NOTIFICATION.

Bangalore, dated 21st September 1967.

S. O. 1966.—In exercise of the powers conferred by section 4 of the Madras Forest Act, 1882 (Madras Act V of 1882), as in force in the Madras Area, the Government of Mysore hereby—

(i) declares that it is proposed to constitute the lands in the Sullia Taluk of South Kanara District, the situation and limits of which are specified in the schedule hereto annexed, as reserved forest;

(ii) appoints the Forest Settlement Officer, Mangalore to be the Forest Settlement Officer for purpose of clause (c) of the said section; and

(iii) appoints the Divisional Forest Officer, Mangalore Division, Mangalore, to attend on behalf of the Government at the inquiry conducted by the said Forest Settlement Officer.

Under Section 14 of the said Act, the Government of Mysore hereby appoints the Deputy Commissioner, of South Kanara District to hear appeals on any orders passed by the Forest Settlement Officer under Sections, 11, 12 and 13 of the Said Act.

SCHEDULE.

Name of the D'strict ... South Kanara.

Name of the Taluk ... Sullia.

Name of the Village. ... Alatty.

Name of the Block ... Alatty Block II.

Survey Field numbers ... 336/1A and 63/2.

Extent ... 516.25 Acres.

The boundaries of the block referred to above are:—

BIT-I

North:—Starting from the station No. 160 (and Cairn No. 11) the demarcation line of the proposed block runs in North-East direction to station No. 163, a distance of 1195 links, passing through the intermediate stations 161 and 162. Thence it runs in South-East direction to station No. 165, a distance of 636 links, passing through the intermediate station 164. Thence it runs in almost North-East direction, a distance of 1024 links to reach the station No. 169, which is situated almost South-West from the Eastern corner of survey stone of survey No. 66, passing through the intermediate stations 166 to 168. Thence it continues in the same North-East direction to station No. 170, a distance of 667 links. From there it runs in Northern direction to station No. 171, a distance of 2 6 links. Again the line runs in North-East direction a distance of 833 links to reach the station No. 174. passing through the intermediate stations 172 and 173. Therefrom the line runs in North West direction a distance of 919 links, to reach the station No. 177, passing through the intermediate stations 175 and 176 Thence it runs in almost Northern direction, a distance of 208 links to reach the station No. 179, passing through the intermediate station 178. Therefrom the line runs in almost Eastern direction, a distance of 1784 links to reach the station No. 185, passing through the intermediate stations 180 to

184. Thence it runs in a most Southern direction a distance of 910 links to reach the station No. 187, passing through the intermediate station 186. Thence it runs in North West direction to station No. 188 a distance of 510 links. Thence the line runs in South-West direction a distance of 1797 links to reach the station No. 2, passing through the intermediate stations 189 to 1. Again it runs in South-East direction, a distance of 846 links to reach the station No. 4 passing through the intermediate station 3. Again it runs in a most southern direction, a distance of 900 links to reach the station No. 7, passing through the intermediate stations 5 and 6 Again it runs in South-East direction a distance of 138 links to reach the station No. 11, passing through the intermediate stations 8 to 10. Thence it runs in almost southern direction a distance of 550 links to reach the station No. 13, passing through the intermediate station 12. From there the line runs in almost North-East direction a distance of 1020 links to reach the station No. 17, passing through the intermediate stations 14 to 16. Thence it runs in almost Eastern direction, a distance of 1020 links to reach the station No 20, passing through the intermediate station 18 and 19. Again it runs in North-East direction to station No. 21, a distance of 560 links. From there it runs in South-East direction a distance of 700 links to reach the station No. 23, passing through the intermediate station 22. Thence it runs in North East direction, a distance of 425 links, to reach the station No. 25 passing through the intermediate station 24. Thence it runs in almost Eastern direction a distance of 842 links to reach the station No. 27, passing through the intermediate stations 26 to 28. Thence the line runs in almost southern direction a distance of 260 links to reach the station No. 31, passing through the intermediate stations 30. Thence it runs in South East direction to station No. 32. a distance of 500 links. From there it runs in almost North-East direction a distance of 1767 links to reach the station No. 36, passing through the intermediate stations 33 to 35. Thence it runs in almost South-East direction, a distance of 1571 links to reach the station No. 42 passing through the intermediate

stations 37 to 41. Thence it runs in almost Eastern direction, a distance of 845 links to reach the station No. 44, passing through the intermediate station 43. Bearings and distances from station to station are as follows:—

Station From	Numbers To	Bearings in F. B.	Distance in links
1	2	3	4
160	161	69	595
161	162	70½	235
162	163	83	265
163	164	108	178
164	165	115	458
165	166	32	367
166	167	58	130
167	168	44	315
168	169	49	203
169	170	41	367
170	171	7	206
171	172	23	213
172	173	26½	330
173	174	33	290
174	175	325	277
175	176	325½	206
176	177	320	436
177	178	343½	106
178	179	353	102
179	180	84	375
180	181	70½	250
181	182	75	160
182	183	101	425
183	184	85	129
184	185	89	445
185	186	172½	475
186	187	196	425
187	188	285½	590
188	189	205½	125
189	190	206½	297
190	191	205	315
191	1	201½	805
1	2	198½	255
2	3	150	145
3	4	159	101
4	5	185½	460

1	2	3	4
5	6	164	180
6	7	179	340
7	8	118	205
8	9	141	440
9	10	135½	148
10	11	155	145
11	12	165	240
12	13	166	310
13	14	66½	375
14	15	61½	110
15	16	42½	280
16	17	60	255
17	18	81½	410
18	19	83½	375
19	20	74	235
20	21	66½	560
21	22	125	285
22	23	117½	445
23	24	28½	255
24	25	40	170
25	26	106½	300
26	27	90½	265
27	28	97	177
28	29	116	100
29	30	162	140
30	31	170½	120
31	32	123	540
32	33	49½	322
33	34	46	175
34	35	41	460
35	36	54	820
36	37	105	156
37	38	129	145
38	39	107½	430
39	40	120	180
40	41	129½	100
41	42	146½	560
42	43	116½	335
43	44	96	510

East:—Thence the demarcation line runs in almost Southern direction a distance of 1037 links to reach the station No. 48, passing through the intermediate stations

45 to 47. Thence it runs in South-West direction a distance of 1010 links to reach the station No. 51, passing through the intermediate stations 49 and 50 Thence the line runs in North-West direction a distance of 1103 links to reach the station No. 54, passing through the intermediate stations 52 and 53. Again it runs in Northern direction a distance of 626 links to reach the station No. 56, passing through the intermediate station 55. From three it runs in Nort-West direction to station No 57, a distance of 700 links. Therefrom it runs in almost Southern direction, a distance of 1487 links to reach the station No. 61, passing through the intermediate stations 58 to 60. Ther from the line runs in almost Western direction, a distance of 2367 links to reach the station No. 66, passing through the intermediate stations 62 to 65. From there it runs in South-West direction a distance of 900 links to reach the station No. 68, passing through the intermediate station 67. From there it runs in western direction to station No. 69, a distance of 540 links. Thence it runs in North-West direction a distance of 1830 links to reach the station No. 76 passing throrgh the intermediate stations 70 to 75. Again it runs in Western direction to station No. 77, a distance of 810 links. Again it runs in Southern direction to station No. 78, a distance of 407 links. Thence it runs in almost western direction a distance of 1140 links to reach the station No. 81, passing through the intermediate stations 79 and 80. Thence it runs in almost southern direction a distance of 994 links to reach the station No. 83, passing through the intermediate station 82. Thence it runs in almost South-East direction, a distance of 806 links to reach the station No. 85 passing through the intermediate station 84. Thence it runs in almost Eastern direction to station No. 86, a distance of 405 links. From there it runs in South-East direction, a distance of 709 links to reach the station No. 89, passing through the intermediate stations 87 and 88. From there it runs in almost North-East direction, a distance of 1307 links to reach the station No. 93, passing through the intermediate stations 90 to 92. Thence it runs in almost Eastern direction a distance of 2140 links to reach the station No. 99,

passing through the intermediate stations 94 to 98. Bearing and distances from station to stations are as follows :—

Station Numbers From	To	Bearings in F. I.	Distance in links
1	2	3	4
94	45	271	430
45	46	193½	112
46	47	193	1 0
47	48	193	375
48	49	23	335
49	50	230½	315
50	51	231	410
51	52	32 ½	540
52	53	331	218
53	54	3 9	350
54	55	3 0	326
55	56	2½	300
56	57	2 4½	300
57	58	194	600
58	59	175	440
59	60	176	335
60	61	19½	292
61	62	2 3½	545
62	63	279½	532
63	64	283½	690
64	65	284	290
65	66	300	310
66	67	201½	610
67	68	221½	290
68	69	276	540
69	70	295	270
70	71	299½	295
71	73	304	450
72	73	302	200
73	74	300	175
74	75	301½	160
75	76	3 6	280
76	77	261	310
77	78	184	407
78	79	27 ½	235
79	80	265	3 0
80	81	260½	755
81	82	1 8	550

1	2	3	4
82	83	172	444
83	84	111½	386
84	85	103	420
85	86	78	405
86	87	128	390
87	88	129	103
88	89	113½	216
89	90	46	330
90	91	79½	490
91	92	70	187
92	93	78	300
93	94	98	440
94	95	102	260
95	96	96½	175
96	97	91½	370
97	98	91½	300
98	99	98	595

South :—Thence the demarcation line runs in South-West direction near 'Adinja Byle', a distance of 1053 links to reach the station No. 101, passing through the intermediate station 100. Thence it runs in Western direction to station No. 102, a distance of 595 links. Thence it runs in North-West direction to station No. 103, a distance of 730 links. Again the line runs in almost South-West direction a distance of 2012 links to reach the station No. 104, passing through the intermediate stations 104 to 109. Again it runs in North-West direction, a distance of 969 links to reach the station No. 111, passing through the intermediate station 110. From there it runs in almost South-West direction, a distance of 1645 links to reach the station No 118, passing through the intermediate stations 112 to 117. Thence it runs in North-West direction to station No. 119, a distance of 600 links. Thence it runs in Western direction to station No. 120 a distance of 350 links. Thence it runs in Southern direction, a distance of 530 links to reach the station No. 122, passing through the intermediate station 121. Again it runs in South-West direction to station No. 123, a

distance of 705 links. Bearings and distances from station to station are as follows :—

Station From	Numbers To	Bearings in F.B.	Distances in links
99	100	244	710
100	101	233½	343
101	102	264½	595
102	103	293½	730
103	104	262	150
104	105	255	460
105	106	247½	160
106	107	242½	645
107	108	214½	172
108	109	215	425
109	110	311	564
110	111	295	405
111	112	25[illegible]½	355
112	113	261	175
113	114	267	165
114	115	248½	365
115	116	239	180
116	117	244	1[illegible]0
117	118	251½	255
118	119	324	600
119	120	259	350
120	121	188	100
121	122	188	430
122	123	242	70

West.—Thence the line runs in almost North-West direction, a distance of 2630 links to reach the station No. 129 passing through the intermediate stations 124 to 128. Thence it runs in almost North-East direction to station No. 131, a distance of 465 links passing through the intermediate station No. 130. Again it runs in South-East direction to station No. 132, a distance of 440 links. From there it runs in North East direction, a distance of 652 links to reach the station No. 134 passing through the intermediate station 133. Again it runs in Southern direction to station No. 135, a distance of 300 links. Thence it runs in Eastern direction to station No. 136, a distance

of 220 links. Thence it runs in South-East direction to station No. 137, a distance of 150 links. From there it runs in North-East direction, a distance of 1045 links to reach the station No. 140, passing through the intermediate stations 138 and 189. From there it runs in North-West direction, a distance of 700 links to reach the station No. 141, passing through the intermediate station 141. Thence it runs in Western direction, a distance of 1345 links to reach the station No. 145, passing through the intermediate stations 143 and 144. From there the line runs in almost North-West direction, a distance of 1590 links, to reach the station No. 151, passing through the intermediate stations 146 to 150 Thence it runs in South-East direction, a distance of 750 links to reach the station No. 154, passing through the intermediate stations 152 and 153. Again it runs in almost North-East direction, a distance of 785 links to reach the station No 156, passing through the intermediate station 155. Again it runs in North-West direction, a distance of 413 links to reach the station No. 158, passing tarough the intermediate station 157. Again it runs in Northern direction to station No 159, a distance of 298 links. Thence it runs in North West direction to station No. 160, a distance of 650 links, which is the starting point. Bearings and distances from station to station are as follows:—

Station Numbers From	To	Bearings in F.B.	Distances in links
1	2	3	4
123	124	316½	445
124	125	52	619
125	126	316½	284
126	127	321	186
127	128	311½	920
128	129	359½	176
129	130	1½	201
130	131	49½	265
131	132	104	440
132	133	82	405
133	134	79	247

1	2	3	4
134	135	160	300
135	136	93	220
136	137	124½	155
137	138	70½	318
138	139	56	460
139	140	38½	250
140	1 1	314	400
141	142	301½	300
142	143	269	580
143	144	260	475
144	145	255½	270
145	146	287	144
146	147	297	274
147	148	338	405
148	149	341½	298
149	150	340	295
150	151	33 ½	171
151	152	123½	313
152	153	12	164
153	154	11 ½	261
54	155	14½	495
155	156	35	290
156	157	318	231
157	158	336	190
158	159	C	296
159	160	327	650
			Starting point

Bit II.

North.—Starting from the station No. 46 (Cairn No. 34), the demarcation line of the bit II of the proposed block runs first in almost Eastern direction to station No. 47, a distance of 455 links. Thence it runs in almost Southern direction, a distance of 630 links to reach the station No. 49. passing through the interm diate station 48. From there it runs in South West direction to station No. 50, a distance of 365 links. Thence it runs in almost South-East direction a distance of 658 links to reach the station No. 53 passing through the intermediate stations 51 and 52. From there it runs in almost Eastern direction a

distance of 635 links to reach the station No. 56, passing through the intermediate stations 54 and 55. Thence it runs in North-East direction to station No. 57, a distance of 270 links. From there it runs in South-East direction, a distance of 609 links to reach the station No. 59, passing through the intermediate station 58. From there it runs in Southern direction a distance of 474 links to reach the station No. 61, passing through the intermediate station 60. From there it runs in South-East direction to station No. 62, a distance of 195 links. From there it runs in almost Eastern direction to station No. 63, a distance of 278 links. Again it runs in almost North-East direction, a distance of 400 links, to reach the station No. 65 passing through the intermediate station 64. Thence it runs in Northern direction to station No. 66, a distance of 385 links. Thence it runs in North-East direction a distance of 565 links to reach the station No. 69 passing through the intermediate stations 67 and 68. Thence it runs in South-East direction, a distance of 665 links to reach the station No. 71, passing through the intermediate station 70. From there it runs in almost North-East direction a distance of 1156 links to reach the station No. 75, passing through the intermediate stations 72 to 74. Thence it runs in almost South-East direction to station No. 76, a distance of 310 links. Thence it runs in North-East direction, a distance of 405 links to reach the station No. 78, passing through the intermediate station 77. Thence it runs in almost Southern direction a distance of 987 links to reach the station No. 82, passing through the intermediate stations 79 to 81. From there it runs in South-East direction to station No. 83, a distance of 270 links. From there it runs in Eastern direction to station No. 84, a distance of 400 links. Thence it runs in North-East direction to station No. 85, a distance of 370 links. From there it runs in South-East direction to station No. 86, a distance of 220 links. Again it runs in Southern direction, a distance of 425 links to reach the station No. 88, passing through the intermediate station 87. Therefrom the line runs in almost South-East direction a distance of 1837 links to reach the station No. 91, passing through the intermediate stations 89 and 90. Again the line runs in eastern

direction to station No. 92, a distance of 385 links. Again it runs in South-East direction to station No. 93, a distance of 425 links. Again it runs in Eastern direction to station No. 94, a distance of 490 links. Thence it runs in North-East direction a distance of 822 links to reach the station No. 96 passing through the intermediate station 95. Therefrom the line runs in almost South-East direction a distance of 2230 links to reach the station No. 103, passing through the intermediate stations 97 to 102. From there it runs in almost easterly direction a distance of 2522 links to reach the station No 111, passing through the intermediate stations 104 to 110. Again the line runs to station No. 112, a distance of 518 links.

Bearings and Distances from station to station are as follows:—

Station Numbers From	To	Bearings in F.E.	Distances in links
1	2	3	4
46	47	101½	455
47	48	169⅓	330
48	49	185	300
49	50	207	365
50	51	161½	214
51	52	155½	90
52	53	167½	384
53	54	111	105
54	55	103½	275
55	56	77	255
56	57	47	270
57	58	142	365
58	59	147½	244
59	60	185	234
60	61	187	240
61	62	116½	195
62	63	98	278
63	64	44½	260
64	65	27	140
65	66	1	385
66	67	44½	165

1	2	3	4
67	6	62	195
68	69	49½	205
69	70	148⅛	3 0
70	71	123	355
71	72	85	440
7	73	60½	421
73	74	4	140
74	75	57	150
75	76	10 ⅛	3 0
76	77	63	200
77	78	65	205
78	79	1 2	290
79	80	176	272
80	81	186½	257
81	8	184	168
82	3	163	270
83	84	85	400
84	5	64⅛	370
85	86	161	220
86	87	18-⅛	300
87	8	187	125
88	89	154	422
89	9	1 0	510
90	91	124	405
91	92	85⅛	385
9	93	119	425
93	4	101⅛	490
94	95	64	412
95	9	67	4 0
96	97	118	425
97	98	112	419
98	99	180	527
99	100	114	260
100	101	12	360
101	102	119⅛	126
102	1 3	11⅛	130
103	104	10	200
104	105	9⅝	1 5
105	106	99⅛	410
106	107	89⅛	480
107	108	8 ⅛	100
108	109	94⅛	445
109	110	9⅛	280
110	111	82	443
11	112	61	518

East.—Thence the demarcation line runs first in South-East direction a distance of 590 links to reach the Station No. 115, passing through the intermediate stations 113 and 114. From there the line runs in almost southern direction a distance of 112 links to reach the Station No. 117, passing through the intermediate station 116.

Bearings and distances from station to station are as follows :—

Station Numbers		Bearings in F. B.	Distances in links.
From	To		
112	113	137½	375
113	114	140½	125
114	115	136	90
115	116	174	280
116	117	173	133

South.—Thence the line runs in South-West direction a distance of 873 links to reach the Station No. 120, passing through the intermediate stations 118 and 119. From there it runs in almost North-West direction a distance of 1,915 links to reach the Station No. 125, passing through the intermediate Stations 121 to 124. From there it runs in almost western direction to Station No 126, a distance of 560 links. Again it runs in North-West direction to Station No. 127, a distance of 420 links. From there it runs in almost South-West direction a distance of 766 links to reach the Station No. 129, passing through the intermediate Station 128. Again it runs in western direction to Station No. 130, a distance of 354 links. From there it runs in almost North-West direction a distance of 1400 links to reach the Station No. 133, passing through the intermediate Stations 131 and 132. From there it runs in almost South-East direction a distance of 1,079 links to reach the Station No. 137, passing through the intermediate Stations 134 to 136. Again it runs in almost western direction a distance of 1,350 links to reach the Station No. 140, passing through the intermediate Stations 138 and 139. From there it runs

in South-West direction a distance of 518 links to reach the Station No. 142, passing through the intermediate Station 141. Thence it runs in almost western direction a distance of 970 links to reach the Station No. 146, passing through the intermediate Stations 143 to 145. From there it runs in North-West direction to Station No. 147, a distance 325 links. Again it runs in almost northern direction, a distance of 895 links, passing through in the intermediate Station 148 to reach the Station No. 1 (Cairn No. 1) which is situated 450 links eastern side from the Station No. 44 (Cairn No. 29) of Bit I. Thence it runs in North-East direction to Station No. 2, a distance of 224 links. From there it continues in almost North-East direction a distance of 610 links to reach the Station No. 4, passing through the intermediate Station 3. Thence it runs in almost northern direction to Station No. 5, a distance of 190 links. From there it runs in almost western direction a distance of 691 links to reach the Station No. 7, passing through the intermediate Station 6. From there it runs in almost North-West direction, a distance of 2,155 links to reach the Station No. 10, passing through the intermediate Stations 8 and 9. Again it runs in almost northern direction a distance of 690 links to reach the Station No. 13, passing through the intermediate Stations 11 and 12. Again it runs in western direction to Station No. 14, a distance of 325 links. Thence it runs in South-West direction to Station No. 16, a distance of 491 links, passing through the intermediate Station 15. From there the line runs in almost western direction, a distance of 935 links to reach the Station No. 19, passing through the intermediate Stations 17 and 18. From there it runs in almost North-West direction, a distance of 683 links to reach the Station No. 22, passing through the intermediate Stations 20 and 21. Thence it runs in almost western direction a distance of 575 links to reach the Station No. 25, passing through the intermediate Stations 23 and 24. Again the line runs in almost South-West direction a distance of 770 links, to reach the Station No. 28, passing through the intermediate Stations 26 and 27. From there the line continues in almost western direction, a distance of

1,506 links to reach the Station No. 32, passing through the intermediate Stations 29 to 31.

Bearings and distances from Station to Station are as follows:—

Station Numbers		Bearings in F. B.	Distance in links
From	To		
1	2	3	4
117	118	241	175
118	119	248½	142
119	120	243	556
120	121	298	370
121	122	298	336
123	124	286½	510
124	125	287	345
125	126	259½	500
126	127	320½	420
127	128	256½	500
128	129	235½	266
129	130	265½	384
130	131	326	300
131	132	321½	576
132	133	286½	525
133	134	162	368
134	135	149	348
135	136	161	150
136	137	174	213
137	138	271	375
138	139	264	530
139	140	270	475
140	141	243	378
141	142	241	140
142	143	270	210
143	144	265	350
144	145	277	200
145	146	273	210
146	147	340	325
147	148	5	362
148	1	357	533
1	2	20½	224
2	3	72	180

1	2	3	4
3	4	76½	430
4	5	15	190
5	6	277½	395
6	7	287	396
7	8	309	710
8	9	309	575
9	10	288½	370.
10	11	342	150
11	12	347½	145
12	13	355½	395
13	14	272	325
14	15	317½	385
15	16	225	106
16	17	379	250
17	18	276	265
18	19	256	420
19	20	294	395
20	21	323½	163
21	22	325	125
22	23	270½	130
23	24	273½	190
24	25	280	255
25	26	190	380
26	27	196½	190
27	28	330	200
28	29	286½	350
29	30	274	162
30	31	270	650
31	32	287	344

West: Thence the demarcation line runs in North-East direction, a distance of 495 links to reach the station 34, passing through the intermediate station 33. Thence the line runs in North-West direction, a distance of 1263 links to reach the station No. 40, passing through intermediate stations 35 to 39. Thence the line runs in almost Northern direction a distance of 2112 links to reach the station

No. 43 which is the starting point of bit II passing through the intermediate stations 41 to 45.

Bearings and distances from station to station are as follows:

Station From	Numbers To	Bearings in F. B.	Distances in links.
32	33	55½	215
33	34	55	280
34	35	342	210
35	36	335	240
36	37	321½	330
37	38	316½	235
38	39	330½	100
39	40	337	148
40	41	19½	300
41	42	2	220
42	43	26	387
43	44	2½	310
44	45	10	450
45	46	4½	345

Which is the starting point.

Statement of existing Water privileges inside the proposed Aletty Block-II in S. No. 336/1A and 63/2 of Aletty Village Puttur Taluk.

Bit I.

Item No.	Nature of water privilege	C.Nos. between which the water runs	S. No. of the land being irrigated.	Name of pattadar
1.	Water Course	8—9	S. No. 8	Sri Nochil Keshva Bhat.
2.	Water Course	15—16	S. No. 8	Sri Nochil Keshva Bhat.
3.	Water Course	37-38	S. No. 47/B	Sri Nachanna Banta
4.	Tank with Channel	44-45	S. No. 336/1A (Encroachment)	Sri Narayana Naika S/o Madhava Naika.
5.	Tank with Channel	51-52	S. No. 620/4	Krishnappa Naika.
6.	Tank with Channel	113-119	S. Nos. 75/1A,77/6	Sanjiva *alias* Laxmiamma.
7.	Tank with Channel	121-122	S. Nos. 66,75/2 and 76/4	Sanjiva *alias* Laxmiamma.

Bit II

1.	Natural Water Channel	16–17 and 46–47	S. No. 16/3	Ishwara Bhat and Shivarama Bhat.
2.	Water Course	26–27	S. No. 409/4	Sri Nedchil Keshava Bhat.
3.	Small tank with Channel	53–54	S. No. 23	Ishwara Bhat and Shivarama Bhat.
4.	Small tank with Channel	105–105	S. No. 442/2	Krishna Naika Mulgenidar :— Annakoosa Gowda.

Right of ways.

(a) *Fair Weather Road* :—From Sullia the fair-weather road enters the bit I of the block between cairn Nos. 123 and 124 and comes out between cairn Nos. 140 and 1 of the same bit and goes to 'Nedchil'.

(b) *Foot Path* :—(i) From 'Nedchil' the foot path enters the bit I of the block between cairn Nos. 9 and 10 and gets bifurcated in the middle of the block and after bifurcation one leaves the same bit between cairn Nos. 55 and 56 and goes to 'Nellikody' and another leaves the same bit between cairn Nos. 103 and 103 and goes to 'Guthinadka'.

(ii) From 'Aramboor' the foot-path enters the bit I of the block between cairn Nos. 19 and 20, and gets bifurcated in the middle. After bifurcation, one leaves the same bit between cairn Nos. 41 and 42 and goes to 'Goodinje' and another leaves the same bit between cairn Nos. 45 and 46 and goes to 'Donimcole'.

(iii) From 'Donimoole' another foot path enters the bit I of the block between cairn Nos. 66 and 67 and leaves the block between cairns 76 and 77 of the same bit and goes to 'Adinje'.

(iv) From 'Kootelu' the foot path enters the bit II of the block between cairn Nos. 33 and 34 and comes out between cairn Nos. 35 and 36 and goes to Aramboor.

(v) From 'Ara-aboor' another foot path enters the bit II between cairn Nos. 46 and 47 and leaves the bit between cairn Nos. 17 and 18 and goes to 'Nedchil'.

(vi) From 'Anjikaru' one more foot path enters the bit II between cairn Nos. 81 and 83 and leaves the bit between cairn Nos. 98 and 99 and goes to 'Hottanakana'.

(vii) From 'Anjikaru' two more foot paths enter the bit II between cairn Nos. 86 and 67 and they get joined together in the middle and finally this foot path emerges between cairn Nos. 91 and 92 and goes to 'Doddadka'.

Other Privileges.

1. Free grazing of cattle by villagers.
2. Free removal of green manure leaves for *bona fide* use by the ryots.
3. Free removal of dry fuel for *bona fide* use by the villagers.

[AFD 182 FAF 67.]

By Order and in the name of the Governor of Mysore,

M. W. WINSTON, *Under Secretary.*

Food, Civil Supplies and Labour Secretariat

ORDER

Bangalore, dated 7th October 1967.

S. O. 1967.—Whereas the Government of Mysore are of opinion that an Industrial Dispute exists between the Workmen and the Management of Karnatak Bangle Works, No. 4/3, Platform Road, Seshadripuram, Bangalore –20, on the points noted below :

Now, Therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Additional Industrial Tribunal, Bangalore.

Points of Dispute

"Are the workers of Karnatak Bangle Works, No. 4/3, Platform Road, Seshadripuram, P. B. No. 1030, Bangalore–20, justified in demanding the following ?

1. Every unskilled worker shall be paid minimum wage of Rs. 85 per month.

2. An immediate increase of 30 per cent of the wage or Rs. 30 per month whichever is higher shall be paid to every worker.

3. Dearness Allowance of 25 Paise per point of increase over the Consumer Price Index Numbers for Bangalore published by Government for the month of April 1966.

4. Paid Casual Leave for 10 days in a year.

5. Supply of ½ a litre Milk a day to all the employees.

6. Attendance Bonus of 2 days' wages in every month.

7. Every worker shall be made permanent after 3 months of service".

[No. FCL 552 LLD 66.]

By Order and in the name of the Governor of Mysore,

1238 G. G. Purohit, *Under Secy.*

Education Secretariat.

NOTIFICATION.

Bangalore, dated 4th October 1967.

S. O. 1968 .—In exercise of the powers conferred under sub-section (3) of Section 44-A of the Mysore University (Amendment) Act, 1957 the Government of Mysore are pleased to sanction continuation of affiliation of the Government College, Mandya to the Mysore University, for teaching the following courses :—

(i) P. U. C. (Arts)—History, Economics, Political Science for 1967-68.

(ii) B. A. Degree (I and II Years) for 1967-68 Kannada, Sociology (Majors), Philosophy (Minor)

(iii) B. Sc. Degree for 1966-67 and 1967-68—Physics, Mathematics (Majors), Chemistry (Minor)—36 students :

Subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 79 UAC 67.]

By Order and in the name of the Governor of Mysore,

1234 S. N. Sreenath, *Under Secy.*

NOTIFICATION.

Bangalore, dated 30th September/5th October 1967.

S. O. 1969.—In exercise of the powers conferred under sub-section (3) of Section 44-A of the Mysore University (Amendment) Act, 1957, the Government of Mysore are pleased to sanction continuation of affiliation of the Malnad College of Engineering Hassan, to the Mysore University, to run the Fourth and Final year classes of the B. E. Degree-Five-Year Integrated Course in Civil, Mechanical and Electrical branches in the ratio of 40 : 40 : 40 with a maximum intake of 120 students to the first year for the year 1967-68 subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 45 UAC 67.]

By Order and in the name of the Governor of Mysore,

1235 S. N. SREENATH, *Under Secy.*

GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES, LABOUR AND MUNICIPAL ADMINISTRATION DEPARTMENT (LABOUR)

Labour Disputes.—Industrial Dispute between the Workmen and the Management of M/s. M.G.S. (Private) Ltd., Nazarbad Road, Mysore.

Award of the Labour Court, Bangalore—Published.

Read the following papers :—

(1) Letter No. 664/67-68, dated 14th September 1967, from Shri P. T. Kadkol, Presiding Officer, Labour Court, Bangalore.

BEFORE THE PRESIDING OFFICER, LABOUR COURT, BANGALORE.

Dated this 14th day of September 1967.

Present :

Sri P. T. Kadkol, B.Sc., LL.B. ... Presiding Officer.

Reference No. 117 of 1966

Workmen represented by the Secretary, Mysore Division Motor Workers Association, Old Post Office Road, Chamarajanagar.

... *I Party.*

Vs

The Management of M/s. M. G. S. (Private) Ltd., Nazarbad Road, Mysore.

... *II Party.*

Reference.

Government Order No. LMA 428 LLD 66, dated 20th September 1966.

AWARD

The Government of Mysore being of opinion that an industrial dispute exists between the workmen and the management of M/s. M. G. S. (Private) Ltd., Mysore, have referred it to this Court for adjudication under Section 10 (1) (c) of the Industrial Disputes Act, 1947, by their Order No. LMA 428 LLD 66, dated

20th September 1966, setting out the following points of dispute for adjudication :—

"Is the Booking Agent, Sri B. Nagaraj, M/s. M. G. S. (Private) Ltd., Nazarbad Road, Mysore, entitled for reinstatement with back wages and continuity of service? if not, to what other relief he is entitled to?"

2. The cause of the aggrieved workman Sri B. Nagaraj has been sponsored by the Mysore Division Motor Worker's Association, Chamarajnagar, which is a registered Trade Union. This Union as representing the workmen is the first party and the Management of M/s. M. G. S. (Private) Ltd., is the second party in this proceeding. Mr. S. K. Sastry has appeared for the first party Union and Mr. Stanley Victor has appeared for the management.

3. In response to the notice issued by this court, the first party has submitted its statement of claims dated 19th January 1967. It has alleged therein that Nagaraj, the person concerned in this dispute was working as a booking agent under the Management for about 13 years; he was a permanent booking agent; he was discharging his duties properly and loyally, without any bad remarks; even then, the management of the second party terminated his services abruptly on 9th February 1966 without any charge or enquiry; the termination of his services is illegal and improper; hence the management of the second party be directed to reinstate him in his former post with full back wages and continuity of service etc.

4. The management of the second party has submitted its statement of objections dated 28th January 1967. The contentions raised by it are that Nagaraj was not a workman employed by it; there was no relationship of master and servant or an employer and employee between itself and Nagaraj; Nagaraj was only a sub-booking agent under one Venkatappa who was its permanent booking agent; as some routes were given up by it for running their transport services it told Venkatappa that he was no longer required by it as a booking agent; hence Nagaraj lost his sub agency since there was no relationship of an employer and employee between itself and Nagaraj; Nagaraj cannot be considered as a workman as defined by Section 2 (s) of the Industrial Disputes Act, 1947: consequently the dispute that has been referred for adjudication would not be an industrial dispute and hence this court would have no jurisdiction to adjudicate upon it; hence the demand of the first party be rejected with costs etc.,

5. On these pleadings, the following issues were framed on 27th February 1967 (*Vide* Order Sheet and set down for hearing.

1. Does the I Party prove that Nagaraj is a workmen within the definition given in Section 2 (s) of the Industrial Disputes Act?
2. Was there the relationship of employee and employer between him and the second party?
3. Does the I Party prove that the Management of the II Party has illegally terminated the services of the said Nagaraj?
4. What Award

Parties were asked to lead evidence on these issues and they have done so. The first party has examined Nagaraj (W. W. 1) and produced four documents marked Exts. W. 1 to 4. The second party has not examined any witnesses, but has produced six documents marked Exts. M 1 to M. 6. This is all the evidence in this case and I now proceed to discuss it.

6. The principle question arising for decision in this case is whether the concerned workman Nagaraj is a "workman" as defined in Section 2 (s) of the Industrial Disputes Act, 1917. It is his case that he was working only as the Stand Booking Agent under the management of the second party. But it has been laid down in various decisions by the Supreme Court and other High Courts, that the designation of the post held by the concerned workman is not a decisive factor for determining whether he is or is not a workman. Likewise, the mode in which a person concerned receives payment for the work done by him is also not quite relevant to the issue. The question shall have to be decided on the basis of what work the person concerned actually does or is required to do.

7. Nagaraj, as stated by him started his career as a booking Agent in 1947 or 1948 under a Transport Company by name Gayathri Motor Service at Mysore. His duty was to issue tickets to passengers and collect the prescribed fare from them and get a commission of one anna per rupee collected by him as remuneration. This Gayathri Motor Service was purchased by the Second Party in 1953 or 1954 and according to Nagaraj, he was continued as booking agent as before by the second party also. He has very clearly stated that he was not doing any other kind of work for the second party except working as a booking agent. In para 3 of his deposition, he has stated his work, as booking agent, was not being

checked by anybody on behalf of the second party: the ticket books used to be sent to him by the second party through the conductors whenever he wanted them; the amount collected by him used to be handed over by him to the line conductor deducting the commission due to him; for one rupee so collected he used to retain one anna as his commission and hand over fifteen annas to the line conductor after obtaining his acknowledgement.

8. Then in para 7 of his cross-examination he has stated that he is not in possession of any order of appointment given either by Gayathri Motor Service or by the second party. He was not signing in any attendance registers or wage registers maintained by he second party and no order of termination as such had been given to him by the second party etc. Then in his re-examination he has stated that no attendance registers had been maintained by the second party formerly; since the last 2 or 3 years the second party has been maintaining attendance registers for its employees and even in these registers his name does not appear. Then he has added that when questioned why his name was not mentioned in the attendance register he was told by the second party that the names of the booking agents would not be entered in them. This is practically all that has been stated by way of oral evidence.

9. From the very statement made by Nagaraj, it is clear that he did no other work under the second party except issuing tickets to passengers when the bus came to the stand, collect the fare from them and hand over the amount so collected to the line conductor of the bus after deducting his own commission. When handing over the amount to the conductor he used to prepare the trip sheets of the type of Ex.M.1 to M. 6. He has admitted that he has prepared and signed Exts. M. 1 to M.6. This would mean that his duty would start only when any bus came to the bus stand and ended immediately the bus left the place It is clear that he had no definite working hours as such, and the work he was doing was not controlled by anybody and much less by the management of the second party As I have said above already, the nature of the work done by a person determines his status *i.e.*, whether he is a workman or not. The leading case on this topic is the decision of the Supreme Court reported in 1957 I LLJ 477 (Dharangadhra Chemical Works Ltd. *Vs.* State of Soutashtra and others) It has been observed therein :—

"The principles according to which the relationship between employer and employee or master and servant has got

> to be determined are well settled. The *prima facie* test which applied in order to determine the relationship is the existence of right of control in respect of the manner in which the work is to be done. There is a distinction betw-en a contract for service and a contract of service. In the first case the master can order or require what is to be done while in the second case he can not only order or require what is to be done but how it shall be done."

In cases of this type, a question usually arises whether there is a employer-employee relationship between the worker and the alleged employer or that the relationship is that of principal and independent contractor and within the contractor is not looked upon as the employee of the industry. Often the Court is required to find out whether the real status of the person concerned is like that of an independent contractor or only as a servant or paid agent of the principle employer. The traditional test of the relation of employer and employee is said to be in the right of 'X' to control 'Y'. A servant is one whose work is under the control of another. A person is under the control of another if he is bound to obey the order of that *i.e.* the ther may tell him no only the work to perform but also how to perform it and the mannt er of its execution. Under a contract of service, a man is employed as part of the business and his work is done as an integral part of the business ; whereas, under a contract for service, his work, although done for the business, is not integrated into it but is only accessory to it. An employee is a part and parcel of an organisation, but an independent contractor is merely an accessory to the organisation. Various factors have to be taken in to account to find out whether there exists the relationship of master and servant between two parties. The method of payment is also one of the factors to be taken into account. If the person concerned is paid by time he is more likely to be a workman. If he is paid by job he is more likely to be a contractor. Another factor to be taken into account is whether the person claiming the status of a workman is required to work in the regular business hours of the employer or not. If the former, he is likely to be a workman and if the latter, he may not be one. Whether the time of the person concerned was at the disposal of the person who is said to be the employer is also one of the important factors to be taken into account. An agent is engaged to bring his principal into contractual relations with a third party, but the manner in which that is to be done is left to the discretion of the agent. An independent

contractor is a person who undertakes to produce a given result, but while he is executing the work he is not under the order or control of the person for whom he does the work, and might use his discretion in things not specified by the employer. A principal has the right to direct an agent what to do while a master has this right and a further right to direct how the work is to be done. A person who is required to devote a specified time to the work, some of it under instruction and control is a servant. Where there is no obligation to provide work, but merely an agreement that in certain event one would pay remuneration to the other the relationship between the parties is not one of master and servant but is one of agency.

10. Now if we apply the various tests mentioned above, which I have culled out from some decisions of the Supreme Court and the High Court, we find that there was no specific agreement on the part of the second party to provide work to Nagaraj. The agreement was that the second party should pay some commission to Nagaraj, if Nagaraj did some work *i.e.*, book tickets for the transport service. The second party had no control over the working hours of Nagaraj; in other words, the time of Nagaraj was not at the disposal of the second party management. Nagaraj was paid by the job he performed and not by the time spent by him. As admitted by Nagaraj, none from the management of the second party used to check the work that was done by him. The transport buses would have run as usual even if Nagaraj did not go to the bus stand and book tickets for the intending passengers. The "Control" test does not stand in this case in favour of Nagaraj. Considering therefore all these facts and circumstances, I am of the view that there was no relationship of master and servant or employer and employee between the management of the second party and Nagaraj, the person concerned in this dispute.

11. Mr. Sastry, appearing for the first party, has produced four documents in support of his contention that Nagaraj is a workman. The first document is Ex. W.1. It is a memo issued by the management of C. P. C. Motor Service, which is also said to be under the control of the second party, to Nagaraj on 24th March 1964. Therein, Nagaraj has been designated as a conductor. Ex. W.2. is the licence obtained by Nagaraj from the Regional Transport Officer to work as a booking agent. Ex. W.3 is an award passed by this Court in L. C. S. No. 40 of 1957. Ex. W.4 is a copy of the Notification issued by the Government of Mysore under the Minimum Wages Act, fixing the minimum wages of

some of the employees in the motor transport business. It is true that in Ex W 1 Nagaraj has been designated as a conductor. But that proves nothing. I have mentioned above on the authority of various decisions that designation of a person is not a conclusive evidence of his real status. So even though Nagaraj has been designated as a conductor in Ex. W.1. it cannot *per se* be held that he is a workman and that the relationship of employer and employee exists between the second party management and himself. Likewise Ex. W.2 also proves nothing. It appears that under the Motor Vehicle Rules, only a person who obtains a licence can work as a stand booking agent. Now coming to Ex. W.3 which is an award made by this court, we find that the person concerned therein had been appointed on a fixed salary and in addition to that was being paid some commission also. In those circumstances, that person was held to be a workman. But such is not the case with Nagaraj. Then in Ex. W 4. the Government of Mysore has prescribed a minimum salary of Rs. 55 per month for clerks, booking agents clerk and cashier clerks. It would only mean that if a booking agent is appointed as a workman by the management then his minimum salary should be Rs. 55 per month. On the basis of this notification, it cannot be held that booking agents in all cases are employees of the motor transport company employing them. In my opinion, therefore, the four documents relied on by Mr. Sastry do not help him to establish the fact that Nagaraj is a workman.

12. As held in Chintaman Rao *Vs* State of Madhya Pradesh (1958 II LLJ 252) the concept of employment involves three ingredients: (1) employer, (2) employee and (3) the contract of employment. An employer is one who employs, *i.e.*, one who engages the services of other persons. The employee is another who works for another for hire. The employment is the contract of service between the employer and the employee whereunder the employee agrees to serve the employer subject to his control and supervision. Nagaraj has not stated anywhere in his deposition nor has it been averred in the statement of claims that as a booking agent, he was required to serve the management of the second party under its control and supervision. Nagaraj when getting some remuneration by way of commission only if he attended the bus stand and issued tickets to passengers and collected the fare. He has not stated that an obligation was cast on him under the contract to be present and to issue tickets. No assured remuneration was also given to him. In these circumstances also, I feel that Nagaraj cannot be held to be a

workman as defined in Section 2 (s) of the Industrial isputes Act, 1947. It cannot also be said that there was a relationship of employer and employee between management of the second party and Nagaraj. Hence I record my findings on the first two issues in the negative.

13. It follows therefore that the present dispute would not be an industrial dispute because Nagaraj is not a workman. When it has not been proved that he is a workman, the termination of his service, even if it had been made by the second party would not make the present dispute an industrial dispute. Hence in my opinion, the third issue does not survive.

14. In view of the findings recorded by me on the first two issues, it follows that Nagaraj is not entitled to be reinstated as demanded by him and the first party Union on his behalf. I would therefore make an Award as under :—

AWARD

Reference is rejected. The demand made by Nagaraj and the first party Union on his behalf for his reinstatement also rejected. Parties do bear their own costs.

P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

ORDER

Bangalore, dated 23rd September 1967.

S. O. 1970.—WHEREAS by State Government Order No. LMA 428 LLD 66, dated 20th September 1966, the Industrial Dispute between the Workmen and the Management of M/s. M. G. S. (Private) Ltd., Nazarbad Road, Mysore was referred to the Labour Court, Bangalore for adjudication ;

AND WHEREAS the Labour Court, has submitted to the State Government its award in respect of the said Industrial Dispute ;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore, are pleased to direct the publication of the said award as above in the *Mysore Gazette*.

[No. LMA 428 LLD 66.]

By Order and in the name of the Governor of Mysore,
G. G. PUROHIT, *Under Secy.*

NOTIFICATION.

Bangalore, dated 30th September 1967.

S. O. 1971.—In exercise of the powers conferred by Section 4 of the Madras Forest Act, 1882 (Madras Act V of 1882), as in force in the Madras Area, the Government of Mysore hereby—

(i) declares that it is proposed to constitute the lands in the Sullia Taluk of South Kanara District, the situation and limits of which are specified in the Schedule hereto annexed, as reserved forest;

(ii) appoints the Forest Settlement Officer, Mangalore to be the Forest Settlement Officer for purposes of clause (*c*) of the said Section; and

(iii) appoints the Divisional Forest Officer, Mangalore Division, Mangalore, to attend on behalf of the Government at the inquiry conducted by the said Forest Settlement Officer.

Under Section 14 of the said Act, the Government of Mysore hereby appoints the Deputy Commissioner of South Kanara District to hear appeals on any orders passed by the Forest Settlement Officer under Sections, 11, 12 and 13 of the said Act.

SCHEDULE

Name of the District		South Kanara
Name of the Taluk	...	Sullia
Name of the Village	...	Aletty
Name of the Block	...	Aletty Block III
Survey Field No.	...	336/1A
Extent	...	180.75 acres

The boundaries of the block referred to above are :—

North —Starting from the station No. 104, a point situated at the newly constructed cairn No. 93, the demarcation line of the proposed block runs first in North-East direction to station No. 105, at a distance of 275 links. From there it runs in Eastern direction at a distance of 540 links to reach the station No. 107, passing through the intermediate station 106. Thence it runs in North-East direction a distance of 742 links to reach the station No. 109 passing through the intermediate station 108. Thence it runs in almost North-West direction near 'Barkane', at a distance of 902 links to reach the station No. 111, passing through the intermediate station 110. Thence it runs in North-East direction at a distance of 587 links to reach the station No. 113, passing through the intermediate station 112. From there it runs in South-East direction to station No. 114, a distance of 194 links. Thence it runs near 'Yenavara' in North-East direction to station No. 115, at a distance of 470 links. From there it runs in South-East direction a distance of 488 links to reach the station No. 117, passing through the intermediate station 116. Thence it runs in Eastern direction to station No 118, a distance of 450 links. Again it runs in South-East direction a distance of 670 links to reach the station No. 120, passing through the intermediate station 119. Therefrom the line runs in almost North-East direction passing through the intermediate stations 121 to 124 a distance of 1976 links to reach the station No. 2. which is a point situated South-West of a survey stone (Station No. 1) and at a distance of 40 links. From there it runs in almost South-East direction a distance of 1865 links to reach the station No. 7, passing through the intermediate stations 3, 4, 5 and 6. Thence it runs near 'Sarthakody' in South-West direction a distance of 1113 links to reach the station No. 10, passing through the intermediate stations 8 and 9. Again it runs in South-East direction to station No. 11, a distance of 480 links. Thence it runs in Southern direction a distance of 911 links to reach the station No. 14, passing through the intermediate stations 12 and 13. From there it runs

near 'Kundekallu' in almost South-East direction a distance of 1823 links to reach the station No. 19, passing through the intermediate stations 15 to 18. Therefrom the line runs in almost North-East direction a distance of 5793 links to reach the station No. 30. passing through the intermediate stations 20 to 29. From there it runs in North-West direction a distance of 483 links to reach the station No. 32. passing through the intermediate station 31. Again it runs in almost Eastern direction to station No. 33, a distance of 750 links.

Bearings and distances from station to station are as follows :—

Station Numbers From	To	Bearings in F. B.	Distances in links
1	2	3	4
104	105	62½	275
105	106	92	200
106	107	90½	340
107	108	64	442
108	109	56	300
109	110	248	512
110	111	236	340
111	112	65	212
112	113	68½	3.5
113	114	160½	794
114	115	56	470
115	116	130½	800
116	117	127	168
117	118	86½	450
118	119	121	815
119	120	130	355
120	121	71½	396
121	122	29	290
122	123	42	4 0
123	124	51	420
124	2	23	410
2	3	107½	615
3	4	128	260

1	2	3	4
4	5	140½	187
5	6	139	365
6	7	118½	438
7	8	217½	450
8	9	218	413
9	10	240½	257
10	11	143½	480
11	12	184	195
12	13	182½	150
13	14	182½	566
14	15	17½	565
15	16	167½	455
16	17	115½	204
17	18	129½	443
18	19	133½	156
19	20	64	414
20	21	55	338
21	22	64	296
22	23	53½	402
23	24	74½	320
24	25	65	775
25	26	81	490
26	27	39	506
27	28	64½	425
28	29	71	850
29	30	69	977
30	31	335	153
31	32	330	330
32	33	83	750

East.—Thence the demarcation line runs near 'Elikkala' in almost South-West direction a distance of 3402 links to reach the Station No. 42 passing through the intermediate stations 34 to 41. From there it runs in western direction to station No. 43, a distance of 455 links. Again it runs near 'Gobbalkaje' in almost South West direction a distance of 1136 links to reach the station No. 46, passing through the intermediate stations 44 and 45. From there it runs in almost Western direction to station

No. 47, a distance of 765 links. Thence it runs in almost Southern direction to station No. 48, a distance of 530 links.

Bearings and distances from station to station are as follows:—

Station Numbers From	To	Bearings in F. B.	Distance in links
33	34	194½	380
34	35	188½	227
35	36	249½	320
36	37	234	300
37	38	228	120
38	39	203½	450
39	40	243	425
40	41	249½	640
41	42	221	510
42	43	271½	455
43	44	256½	393
44	45	251½	325
45	46	217½	418
46	47	278	765
47	48	176	530

South.—Thence, the demarcation line runs near 'Gobbakaje' in Western direction to station No. 49, a distance of 618 links. Therefrom the line runs in almost South-West direction a distance of 2110 links to reach the station No. 53, passing through the intermediate stations 49 to 52. From there it runs near Kattakala in almost Western direction a distance of 1758 links to reach the station No. 56, passing through the intermediate stations 54 and 55. Thence it runs near 'Bhoothakallu', in North-West direction to station No. 57 a distance of 410 links. Therefrom the line runs in almost western direction near Bhoothakallu, a distance of 2 12 links to reach the station No. 64, passing through the intermediate stations 58 to 63.

Bearings and distances from station to station are as follows :—

Station Numbers From	To	Bearings in F. B.	Distances In links
48	49	274½	618
49	50	256	383
50	51	253½	400
51	52	245½	757
52	53	240	570
53	54	289	478
54	55	275	687
55	56	276	593
56	57	308½	410
57	58	285½	401
58	59	273	170
59	60	270	225
60	61	261	145
61	62	262	495
62	63	270	437
63	64	278½	610

West.—Thence the demarcation line runs in north-west direction to station No. 65, a distance of 463 links. From there it runs in Eastern direction to station No. 66, a distance of 565 links. Thence it runs in almost North-East direction a distance of 1114 links to reach the station No. 69 passing through the intermediate stations 67 and 68. Therefrom the line runs near 'Harkaje' in almost Eastern direction a distance of 2064 links to reach the station No. 73, passing through the intermediate stations 70 to 72. From there it runs in North-East direction to sation No. 74, a distance of 508 links. Thence it runs in Northern direction to station No. 75, a distance of 345 links. Again it runs in almost Nort-East direction a distance of 783 links to reach the station No. 77, passing through the intermediate station 76. Thence it runs in North-West direction a distance of 315 links to reach the station No. 79, passing through the intermediate station 78. From there

it runs in almost North-East direction a distance of 850 links to reach the station No. 81, passing through the intermediate station 80. Thence it runs in almost Northern direction to station No. 82, a distance of 470 links. Again it runs in almost North-West direction a distance of 957 links to reach the station No. 84, passing through the intermediate station 83. Therefrom the line runs in almost South-West direction a distance of 2210 links to reach the station No. 89, passing through the intermediate stations 85 to 88. Thence it runs in almost North-West direction a distance of 990 links to reach the station No. 91, passing through the intermediate station 90. From there it runs in South-West direction to station No. 92, a distance of 400 links. Again it runs in almost North-West direction a distance of 493 links to reach the station No. 94, passing through the intermediate station 93. Again it runs in South-West direction to station No. 95 a distance of 640 links. From there it runs in South-East direction to station No 96, a distance of 450 links. Thence it runs near 'Harkaje' in almost western direction a distance of 871 links to reach the station No. 98, passing through the intermediate station 97. Thence it runs in Northern direction to station No. 99, a distance of 330 links. Therefrom the line runs in almost Nort-West direction near 'Kunchadka' a distance of 995 links to reach the station No. 103, passing through the intermediate stations 100 to 102. From there the line finally runs in North East direction a distance of 558 links to reach the station No. 104, which is the starting point.

Bearings and distances from station to station are as follows:—

Station Numbers		Bearings	Distances
From	To	in F. B.	in links
1	2	3	4
64	65	315½	468
65	66	56½	565
66	67	84½	3.0
67	68	82½	420

1	2	3	4
68	69	66½	354
69	70	100½	770
70	71	103	467
71	72	99½	157
72	73	96	670
73	74	28½	508
74	75	½	345
75	76	31	318
76	77	49	465
77	78	317	435
78	79	310	380
79	80	81	438
80	81	70	412
81	82	351	470
82	83	31	324
83	84	299	633
84	85	219	560
85	86	242	629
86	87	200½	660
87	88	247	211
88	89	242	180
89	90	33½	530
90	91	315	410
91	92	2[illegible]½	400
92	93	277½	150
93	94	290	343
94	95	214½	640
95	96	165½	430
96	97	261	440
97	98	26	431
98	99	350	330
99	100	333	325
100	101	32½	365
101	102	30½	150
102	103	309½	155
103	104	1	358
			Starting point.

Right of ways :—

(i) A foot path from 'Kallembi' enters the block between cairn Nos. 109 and 110 and comes out between

cairn Nos. 77 and 78 only to enter again between cairn Nos. 78 and 79 and to come out between cairn No. 81 and 82 and from there it goes to 'Harkaje'.

(ii) Another foot path from 'Kallembi, enters the block between cairn Nos. 4 and 5 and comes out between cairn Nos. 11 and 12 and which again enters the block between cairn Nos. 15 and 16 and comes out between cairn Nos. 45 and 46 and goes to Gabbalkaje and thereon to 'Bhoothakallu'.

(iii) One more foot path from 'Kunchadka' enters the block between cairn Nos. 57 and 58 and comes out between cairn Nos. 61 and 62 and goes to 'Harkaje'.

(iv) Another foot path from 'Harkaje' enters the block between cairn Nos. 69 and 70 and comes out between cairn Nos. 10 and 11 and goes to 'Kudekallu'.

Other Privileges.—

(*a*) Free grazing of cattle by villagers.

(*b*) Free removal of green manure leaves for *bona fide* use by ryots.

(*c*) Free removal of dry fuel for *bona fide* use by villagers.

[No. AFD 185 FAF 66.]

By Order and in the name of the Governor of Mysore,

M. A. MECOAI, *Under Secy.*

Public Health, Labour and Municipal Administration Secretariat.

NOTIFICATION.

Bangalore, dated 10th October 1967.

S. O. 1972.—In exercise of the powers conferred by Section 13 of the Mysore Municipalities Act, 1964 (Mysore Act 22 of 1964), the Government of Mysore determine that :—

(i) the number of territorial divisions into which the Chamarajanagar Town Municipal Council shall be divided shall be six;

(ii) the extent of each of the said divisions shall be the area comprised within the limits of the boundaries indicated in Column (2) of the Schedule Annexed to this Notification;

(iii) the number of seats allotted to each territorial Division from I to V should be 3 and VI shall be 4; and

(iv) the number of seats reserved for Scheduled Castes and Women in each Territorial Division shall be as indicated in Columns (4) and (5) respectively of the said Schedule, the draft of the Notification having been previously published as required by Section 13 of the said Act in Notification No. PLM 83 TEL 65 dated 29th April 1966 in Part IV-2 (c) (ii) of the *Mysore Gazette* dated 5th May 1966.

SCHEDULE.

No. of Territorial Divisions	Extent of Territorial Divisions	No. of seats allotted	No. of seats reserved for	
			Scheduled castes	Women
1	2	3	4	5
I.	*North*:—Starting from the Bus Stand area and terminating with palace building Circle on Bazar Street.			...

1	2	3	4	5

South :—Revenue Survey Number to South of N. E. S Quarters upto Gundlupet Toll Gate.

East :—Starting from Palace Building Circle on Bazar Street, running South on Doddasangadi Bee i and Hesanur Ghat upto Municipal Boundary (Right side Houses).

West :—Revenue Survey numbers West to Gundlupet road Toll Gate, Narayana Swamy temple, Chamasagar Tank and fields upto Laxmi Kantha Swami temple.

II. *North* :—Starting from Syndicate Bank runs east along North Agrahar street then goes south to join Thyagaraja road and continues in the said road (Ramasamudra road) upto the Electricity Office.

South :—Starting from behind the Electricity Department compound goes to the Saw Mill and continues to go West upto the rear of the Hospital. From Kadakapur Mohalla road goes to the West along the A K. Colony road upto Rama Mandira. From the eastern border of Kadakapur Extension upto Devanga Street and Southern side of Thimmammanakatte goes West along the A. K. Colony road From the deviation road goes to Satyamangala road and joins the Sharif Circle.

East :—From the Satyamangala junction to the deviation road upto Thimmammanna katte. From the A. K. Colony road at the eastern edge of the Thimmanna katte goes to the Mutton stall road and from the Kadakapur Mohalla road to Rama-Mandira upto the eastern edge of the Hospital Compound.

1	2	3	4	5
	West—Starting from Sharif Circle runs North along the Doddanagadi beedi to Palace Building Circle to join starting point of the Northern Boundary.			
III.	*North*:—Starting from behind the Town Club to the Saw Mill from there it joins the Ramasamudra road and proceeds along the Ramasamudra road upto Balarapatna goes to the East along the Municipal Reading Room from there right upto subedarkatte gate.	3		
	South—Revenue Survey Nos. from the Subedar Katte gate to Basavanapura road to the West in Revenue Survey Nos. upto the rear of the P. W. D. colony goes along behind the Adijambava Colony in revenue survey Nos. upto Karinanjanapura from there it proceeds in Revenue Survey Nos. along the eastern boundary of the Middle School and High School Playgrounds Joins the Hasanur ghate road.			
	East:—Revenue Survey Nos. by the side of the Subedarkatte gate at Ramasamudra.			
	West:—Starting from the Hasanur Ghat road goes north upto Sharif Circle proceeds along Sathyamangala road to deviation road to Thimmaamanahatte to A. K. Colony road to Mutton stall to Kodakapura Mohalla to Ramamandir and Kondada Wala and goes upto the rear of the Town Club.			
IV.	*North*:—Nanjunda road, Deviation road. North of Parivara extension and survey numbers behind Channipur katte upto Chandakavadi road.	3		
	South—Laxmi Kantha swami temple, Marigudi Janamamantap road, Agrahar street and Rama Samudra road upto Doddaravapet veni.			

1	2	3	4	5
	East :—Revenue Survey numbers, East of Depressed Class Hostel upto Chandakavadi road.			
	West :—Survey numbers behind Bhojargeswari Extension.			
V.	*North* :Sandhe Maraha.h Toll Gate and Channigrada Mola Vone.			
	South :—Nanjangud road, deviation road and arivarakeri Extension.			
	East :—Survey numbers east of Sharkarapura Extension.			
	West :—Revenue Survey numbers to the West of Railway station.			
VI.	*North* :—Chandakavadi Road.			
	South :—A. K. Colony road at Ramasamudra upto Subedarkola.			
	East —Revenue Survey Numbers.			
	West :-Chamarajanagar-Ramasamudra road.			
	Total...	19	3	1

[No. PLM 83 TEL 85.]

By Order and in the name of the Governor of Mysore,

1260 K. ABDUL RAHIM KHAN, *Under Secy.*

NOTIFICATION.

Bangalore, dated 7th October 1967

S. O. 1973.—In exercise of the powers conferred by sub-clause (1) of Clause 5-A of the Southern States (Regulation of Export of Rice) Order, 1964, the Government of Mysore hereby directs that Check Posts be set up at the places specified in Column (4) of the table below, situated in the taluk and district specified in the corresponding entries in columns (3) and (2) thereof :—

TABLE

Sl. No.	District	Taluk	Place where Check Post is set up
1	2	3	4
1	North Kanara	Karwar	Binge
		Ankola	Belekeri
		Kumta	Tadri
			Holangadde
		Bhatkal	Navi kurve
		Haleyal	Majali
		Supapeetha	Anmode
2	Mysore	Heggadadevanakote	Bavali
		Gundlupet	Moolehole
			Kakkanahalla
		Chamarajanagar	Punajanur
		Kollegal	Guruvanakondi
			Palar
			Bylur
3	Kolar	Bangarpet	Mathakapalli
			Kempapura
			V. Kota border
			Pattaramagodu
			Kedarinath
			Jodi Krishnarajapura

1	2	3	4
4	Chitradurga	Molakalmur	Siddapura
		Hiriyur	Kandeeshalli
		Challakere	Parasuramapura
			Obalapura
		Molakalmur	Molakalmur
			Thammanahalli
5	Coorg	Virajpet	Makuta
			Kutta
			Birunani
			Karike
6	South Kanara	Puttur	Sulepadavu
			Junction of Nidupalli—Panaje Road
			Sullia (near Scheduled Tribes Hostel)
			Beriyadavu
			Fadka
			Murur
		Mangalore	Talpady
		Kundapur	Gangolli
		Udipi	Hangarkatta
			Malpe
		Mangalore	Naikallu
		Buntwal	Salethur
			Berpadvu
7	Raichur	Raichur	Krishna Road bridge
			Kuteddoddi
8	Bidar	Bidar	Bidar
			Manna-ek-halli
		Humnabad	Humnabad
		Bhalki	Hulsur
		Santhpur-Aurad	Kamalnagar
		Bhalki	Bhalki
		Humnabad	Manahalli
9	Bijapur	Indi	Dhalkhed
			Shiradon
		Bijapur	Kanmadi
			Kannur
		Indi	Padnur
			Inchegeri
		Bijapur	Yathal

1	2	3	4
10	Kolar	Goribidanur	Kudamelakunte
		Gudibanda	Nagaragere
		Bagepalli	Bagepalli
			Pesalaparthi
		Srinivasapura	Gownpalli
			Rayalapad
			Somayajalapalli
		Mulabagal	Hebbani
			Nargli
		Malur	Kasargere
			Sampangere
11	Belgaum	Athani	Madhabavi
			Kagwadi
			Mangauli
		Nipani	Akol
			Gayakwadi Cross
			Mangur
		Hukkeri	Gandinglaj Cross
			Doddi Cross
		Bailhongal	Nesargi
		Belgaum	Uchegaon
		Nippani	Kongonahalli
		Athani	Kidgadi
		Khanapur	Londa Cross
		Athani	Ananthapur
			Fakmari
			Pandegaon
			Jogal
		Hukkeri	Ullegaddi-Khanapur
		Hukkeri	Bungatealur
			Naganur
		Chikodi	Bethihal Bridge/Borgaon
			Examba/Kollobi

1	2	3		4
12	Bangalore	Anekal		Attibele
		Kanakapur		Therubid
		Anekal		Samandur Solur
		Kanakapura		Hunasanahalli
		Anekal		Dasanapura Thindlu
13	Tumkur	Sira		Chirathehalli Horagere Honaganahalli
		Pavagada		Rajavanthi Arasikere Virupasandra Dommatamari Kodamadagh Nagalapura
		Madhugiri		Kyathagondanahalli Appenahalli Chunchen-halli Muddenahalli
14	Bellary	Bellary		Joladarasi Karekalu Alkundi Yettinaboodikal
		Bellary		Moka
		Siruguppa	(a)	Siruguppa-Vathumruvani
		Bellary		Marur
*Siruguppa-Ittigehal		Bellary*		Chakkamandi near Rupanagudi village

1	2	3	4
15	Gulbarga	Revur	Arjungi
		Afzalpur	Mallabad
		Alland	Khajuri Sarasamba Hodlur
		Afzalpur	Mannur Mashal
		Chincholli	Miriyan
		Mudhol	Ribbanhalli Yanagundi
		Yadgir	Nasalvai Gate

[No. FSD 69 EFM 67.]

By Order and in the name of the Governor of Mysore,

1249 R. ANANDAKRISHNA, *Secretary.*

NOTIFICATION.

Bangalore, dated 7th October 1957.

S. O. 1974.—WHEREAS the Government of Mysore is satisfied that there is a public emergency.

NOW, THEREFORE, in exercise of the powers conferred by Section 5 of the Factories Act, 1948 (Central Act 63 of 1948), and in supersession of all previous notifications issued in this behalf, the Government of Mysore hereby exempts the various trades and departments of the Aircraft and Aero Engine Divisions of the Hindustan Aeronautics Limited (as indicated in the list attached to this notification) Bangalore, for a period of three months from 10th October 1957 from the provisions of Sections 51, 52, 53, 54 and 56 of the said Act and also from Section 79 of the said Act, to the extent that leave may be refused where necessary in the exigencies of service, except in case of illness, subject to the following conditions:—

(i) No worker shall be required or allowed to work overtime in a factory for more than 48 hours in a quarter;

(ii) No worker who is sick or unwilling shall be required to work over time in the factory;

(iii) The workers deprived of the weekly holidays provided in Section 52 of the Factories Act; shall be allowed compensatory holiday in lieu of such weekly holidays lost, and

(iv) A worker who has applied for leave with wages and has not been given such leave, shall be entitled to carry forward the unavailed leave without any limit.

[No. FCL 110 LFB 57.]

By Order and in the name of the Governor of Mysore,

1297 G. G. PUROHIT, *Under Secy.*

ANNEXURE .

List of Trades—Designs Division

A. Manufacturing Sub-Division (Engine)

1 Highly skilled Technicians
2 Group leaders
3 Mechanics
4 Milling Machine Operator
5 Lathe Operators
6 Planner/Shaper Operators
7 Drill Press Operators
8 Sheet Metal Workers
9 Welders
10 Carpenters
11 Painters
12 Aircraft Painters
13 Electroplaters
14 Heat Treat Operators
15 Total and Die Makers
16 Fitters
17 Bench Mechanics
18 Blacksmiths
19 Instrument Craftsmen
20 Helpers.

B. Overhaul Shop (Engine)

1 Highly skilled Technicians
2 Group Leaders
3 Mechanics
4 Lathe Operators
5 Sheet Metal Workers
6 Welders
7 Electroplaters
8 Heat Treat Operators
9 Painters
10 Aircraft Painters

C. Assembly and Test (Engine)

1 Highly skilled Technicians
2 Group leaders
3 Mechanics
4 Engine Testers
5 Electricians
6 Test Rig Setter/Operators
7 Helpers

D. Civil/Electrical/Mechanical Maintenance (Engine)

1 Highly skilled Technicians
2 Group leaders
3 Mechanics
4 Painters
5 Plumbers
6 Electricians
7 Fitters
8 Maistries
9 Masons
10 Janitors
11 Scavengers
12 Millwrights
13 Milling Machine Operators
14 Lathe Operators
15 Draftsmen
16 Carpenters
17 Electrical Technicians
18 Wrecker/Bull Dozer Operator
19 Welders
20 Drivers
21 Cable jointers
22 Electrical Rewinders
23 Helpers

A. Manufacturing Sub-Division (Aircraft)

1 Highly skilled Technicians
2 Group leaders
3 Mechanics
4 Miling Machics Operators
5 Lathe Operators
6 Auto-crew Machine Operators
7 Planner and shaper operators
8 Drill Press operators
9 Fitters
10 Spot Welders
11 Layout Men
12 Die Scrapers
13 Funch Press Operators
14 Welder
15 Plastic and Fibre Workers
16 Carpenters
17 Craftsman
18 Painters/Aircraft Painters
19 Electroplaters
20 Heat Treat Operators
21 Sand Blast Operators
22 Stretch Press Operators

B. New Aircraft Assembly Sub-Division

1 Mechanics
2 Electricians
3 Aircraft Painters
4 Group Leaders
5 Aircraft Electors
6 Power Control Rigging and Installation Technicians
7 Cabin Air condition Technicians
8 Jet Engine Set up technician
9 Specialist Power Plant & Fuel System Technicians
10 Airplane Tractor Driver
11 Helpers

C. Central Tool Room

1 Jig Builders and BST
2 Group Leaders
3 Tool and Die Makers
4 Mechanics
5 Bench Mechanics
6 Lathe Operators
7 Milling Machine Operators
8 Planner and Shaper Operators
9 Blacksmiths
10 Projection
11 Expenditors
12 Helpers

D. Prototype Department

1 Field Service Mechanics
2 Aircrafts Structural Mechanics
3 Sheet Metal Workers
4 Aircraft Welders
5 Aircraft Instruments, Radio and Reader Mechanics
6 Aircraft Electricians
7 General Mechanicians Hydraulic A/P System Seat and Safety
8 Millers Turners, Mechanical Assemblers

E. Overhaul Sub-Division

1 Airframe Mechanics (General), Fuel Hydraulics and Rigging Traders)
2 Aircraft Electricians
3 Aircraft Painters
4 Aircraft Structure Mechanics
5 Aircraft Fabric Workers
6 Engine Mechanics
7 Field Service Mechanics
8 Instrument Craftsmen
9 Radio Craftsmen
10 Lathe Operators
11 Milling Machine Operators
12 Radar Mechanics
13 Power Control Rigging and Installation Technician
14 Specialist Aircraft Cabin Conditioning Technician
15 Specialist Pressurised Structure Assembler
16 Jet Pack Set up Technician
17 Specialist Power Plant and Fuel System Technician
18 Specialist Wing Profile Control Technician
19 Balancing Machine Operator
20 Batteryman.

F. Aerodrome

1 Group Leaders
2 Mechanic 'A'
3 Mechanic 'B'
4 Electrician 'B'
5 Carpenter 'B'
6 Mason
7 Aerodrome Operator Gr. I
8 Aerodrome Operator–Gr. II
9 Clerk 'A'
10 Clerk 'B'
11 Aerodrome Traffic Hand
12 Maistry
13 Helper

G. H-24 Assembly Department

1 Structural Technician
2 Hydraulic Technician
3 Aircraft Electrical Technician
4 Radio/Radar Technician
5 Instrument Technician
6 Air Pressurisation Technician
7 Engine Technician
8 Fuel Technician
9 Rigger
10 Painter
11 Carpenter

H. Construction, Maintenance and Plant Design

1 Group Leaders
2 Maistries
3 Masons.
4 Carpenters
5 Painters
6 Plumbers
7 Mechanics
8 Helpers
9 Joiner/Scavengers
10 Millwrights
11 Electricians
12 Fitters
13 Milling/Lathe Operators
14 Welders
15 Drivers
16 Draftsman
17 Cable Jointers
18 Electrician Rewirders
19 Highly Skilled Technicians

Law and Parliamentary Affairs Secretariat

NOTIFICATION.

Bangalore, dated the 9th October 1967.

S. O 1975.—In exercise of the powers conferred by sub-section (1) of Section 57 of the Provincial Insolvency Act, 1920 (Central Act 5 of 1920) as extended by the Provincial Insolvency (Mysore Extension and Amendment) Act, 1962, the Government of Mysore hereby specifies the period of appointment of Sri Suryakantha Rao, B. A., LL.B., Advocate, Bidar, as Official Receiver, Bidar District, to be till the 3rd of October 1968.

[No. LAW 27 LCL 67.]

By Order and in the name of the Governor of Mysore,

1253 H. K. Ananthasubba Rao, *Under Secy.*

HOME SECRETARIAT

NOTIFICATION.

Bangalore, dated 9—10th October 1967.

S. O. 1976.—In pursuance of clause (ii) (b) of Rule 404-A(2) and Clause (d) sub-rule 3 of Rule 404-A of the Bombay Jail Manual as in force in the Bombay area, the Government of Mysore hereby appoint the following members of the Legislature to be the non-official visitors to the Central Prison, Belgaum for a period of one year from the date of appointment :—

1. Shri V. L. Patil, Byakud, Raibag Taluk.
2. Shri A. R. Panchagavi, Gokak.
3. Shri B. M. Sanikop, Itagi, Khanapur Taluk.
4. Shri G. B. Patil (Akkatangerhal) Tilakwadi, Belgaum.

[No. HD 65 PRA 67.]

By Order and in the name of the Governor of Mysore,

42 V. A. GUMASTE, *Under Secy.*

Education Secretariat.

NOTIFICATION.

Bangalore dated 9th October 1967.

S. O. 1977.—In exercise of the powers conferred under Sub-section (3) of Section 44-A of the Mysore University (Amendment) Act, 1957, the Government of Mysore are pleased to sanction continuation of affiliation of the Sri Mahadeswara College of Arts and Science, Kollegal, to the Mysore University, for teaching the following courses:

(i) Pre-University Course (Arts)

History, Economics, Geography.
History, Economics, Political Science.

(ii) Pre-University Course (Science).

Physics, Chemistry, Mathematics (2 sections of 64 students each)
Physics, Chemistry, Biology (64 students).

(iii) B. A. Degree (1st year).

Economics, Political Science (Majors), History (Minor).

Economics, Kannada (Majors), Geography (Minor).

and extension of affiliation to B. A. Degree course (Second year) with economics. Political Science (Majors), History (Minor) and fresh affiliation to run the following courses:—

(i) Pre-University Course (Commerce).

Economics, Geography, Commerce (with an intake of 64 students).

(ii) B. Sc., Degree (1st year).

Physics, Mathematics (Majors), Chemistry (Minor) Botany, Zoology (Major), Chemistry (Minors)	(with an intake of 32 students for each combination)

for a period one year from June 1967; subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 93 UAC 67.]

By Order and in the name of the Governor of Mysore,

S N. SREENATH,
Under Secretary.

NOTIFICATION.

Bangalore, dated 7—10th October 1967.

S. O. 1978.—In exercise of the powers conferred under sub-section (3) of Section 44-A of the Mysore University (Amendment) Act, 1957, the Government of Mysore are pleased to sanction continuation of affiliation of the National College of Commerce, Shimoga, to the Mysore University, for teaching first year class of the B Com., Degree Course and extension of affiliation for teaching the Second Year of the B. Com., for a period of one year from June 1967 subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 28 UAC 67.]

By Order and in the name of the Governor of Mysore,

1259 S. N. SREENATH, *Under Secy.*

NOTIFICATION.

Bangalore, dated 7th October 1967

S. O. 1979.—In exercise of the powers conferred under sub-section (3) of Section 32 of the Karnatak University Act 1949 (Bombay XX of 1949), the Government of Mysore are pleased to sanction continuation of affiliation of the Home Science College, Hubli to the Karnatak University, for teaching (i) Pre-University Home Science and (ii) B. Sc., Part I (Home Science) and extension of affiliation for teaching (i) Pre-University Science and (ii) B. Sc., Part II (Home Science) for a period of one year from June 1967 subject to the conditions laid down by the Karnatak University.

[No. ED 50 UAC 67.]

By Order and in the name of the Governor of Mysore,

1253 S. N. SREENATH, *Under Secy.*

NOTIFICATION.

Bangalore dated 5th October 1967.

S. O. 1980.—In exercise of the powers conferred by section of 4 the Madras Forest Act, 1882 (Madras Act V of 1882), as ni forcein the Madras Area, the Government of Mysore hereby—

(i) declares that it is proposed to constitute the lands in the Bantwal Taluk of South Kanara District, the situation and limits of which are specified in the schedule hereto annexed, as a reserved forest;

(ii) appoints the Forest Settlement Officer, Mangalore to be the Forest Settlement Officer for purposes of clause (c) of the said section; and

(iii) appoints the Divisional Forest Officer, Mangalore Division, Mangalore to attend on behalf of the Government at the inquiry conducted by the said Forest Settlement Officer.

Under section 14 of the said Act, the Government of Mysore hereby appoints the Deputy Commissioner of South Kanara District to hear appeals on any orders passed by the Forest Settlement Officer under sections, 11, 12 and 13 of the said Act.

SCHEDULE

Name of the District .... South Kanara.
Name of the Taluk .... Bantwal
Name of the Village .... Maninalkur
Name of the Block ... Maninalkur Block I.
Survey Field No. — 124
Extent — 222.10 acres.

Boundary Description.

North: Starting from the station-No.7, a point situated at the newly constructed cairn No. 8, the demarcation line of the proposed block runs first in South-East

direction a distance of 1273 links to reach the station No. 9, passing through the intermediate station 8. From there it runs in almost Eastern direction a distance of 1191 links to reach the station No. 12, passing through the intermediate stations 10 and 11. Thence it runs in North-East direction a distance of 623 links to reach the station No. 14, passing through the intermediate station 13. Therefrom the line runs in almost Eastern direction a distance of 4554 links to reach the station No. 24, passing through the intermediate stations 15 to 23.

Bearings and distances from station to station are as follows :—

Station Numbers From	To	Bearings in F. B.	Distances in links
7	8	129	617
8	9	132	685
9	10	108	816
10	11	87½	513
11	12	95	830
12	13	55	383
13	14	72½	240
14	15	97	150
15	16	110½	475
16	17	97½	655
17	18	96½	400
18	19	78	535
19	20	91½	345
20	21	109½	525
21	22	76	733
22	23	82	156
23	24	101	280

East.—Thence demarcation line runs in almost Southern direction to station No. 25, a distance of 407 links. From there it runs in South-West direction a distance of 1350 links to reach the station No. 27, passing through the intermediate station 26. From there it runs in almost Western direction to station No. 28, a distance of 545 links. Again it runs in South-West direction a distance of

700 links to reach the station No. 30, passing through the intermediate station 29. From there it runs in South-East direction a distance of 1009 links to reach the station No. 32 passing through the intermediase station 31. Thence it runs in Southern direction to station No. 33, a distance of 455 links. Again it runs in Eastern direction to station No. 34 a distance of 650 links. Thence it runs in North-East direction a distance of 1198 links to reach the station No. 36, passing through the intermediate station 35. Again it runs in Northern direction to station No. 37, a distance of 220 links. Again it runs in South-East direction a distance of 528 links to reach the station No 39, passing through the intermediate station 38. Again it runs in almost Eastern direction a distance of 610 links to reach the station No. 41, passing through the intermediate station 40. Therefrom it runs in almost South-East direction a distance of 1 64 links to reach the station No. 43, passing through the intermediate station 42. Thence it runs in South-West direction to station No 44, a distance of 194 links. From there it runs in North-West direction to station No. 45, a distance of 780 links. From there it runs in almost Southern direction a distance of 1453 links to reach the station No. 48, passing through the intermediate stations 46 and 47. From it runs in North-East direction to station No. 49, a distance of 560 links. Thence it runs in almost South-East direction a distance of 1575 links to reach the station No. 53, passing through the intermediate stations 50 to 52 . From there it runs in almost Western direction a distance of 718 links to reach the station No. 55, passing through the intermediate station 54. Thence it runs in Southern direction to station No. 56, a distance of 523 links Thence it runs in South-East direction to station No, 57, a distance of 635 links. From there it runs in almost Southern direction to station No. 58, a distance of 775 links. Again it runs in South-West direction to station No. 59, a distance of 270 links. Thence it runs in almost Southern direction to station No. 60, a distance of 575 links. Again it runs in South-East direction to station No. 61, a distance of 440 links.

earings d distan from station to station are follows :—

Station From	Numbers To	Bearings in degrees	Distances in links.
1	2	3	4
24	25	172½	407
25	26	251½	330
26	27	249½	1020
27	28	265½	545
28	29	210½	248
29	30	211½	452
30	31	122	567
31	32	114½	443
32	33	175½	455
33	34	90	650
34	35	64½	880
35	36	64½	318
36	37	4	220
37	38	118½	213
38	39	127½	315
39	40	95½	335
40	41	101	305
41	42	127	735
42	43	164	629
43	44	240	191
44	45	314	780
45	46	206	600
46	47	194	378
47	48	176½	480
48	49	72½	561
49	50	119½	523
50	51	146½	207
51	52	151	355
52	53	165	490
53	54	265	260
54	55	263	458
55	56	181	523
56	57	130	665
57	58	188½	775
59	59	230	270
59	60	169	575
60	61	147½	440

South,—Thence the demarcation line runs in almost North-West direction a distance of 917 links to reach the station No. 64, passing through the intermediate stations 62 and 63. From there it runs in Northern direction to station No. 65 a distance of 482 links. From there it runs in South-West direction a distance of 525 links to reach the station No. 67, passing through the intermediate station 66. Again it runs in almost North-West direction a distance of 564 links to reach the station No. 70, passing through the intermediate stations 68 and 69. From there it runs in almost North-East direction a distance of 602 links to reach the station No. 72, passing through the intermediate station 71. Therefrom the line runs in almost North-West direction a distance of 2190 links to reach the station No. 75, passing through the intermediate stations 73 and 74. From there it runs in South West direction a distance of 694 links to reach the station No. 77, passing through the intermediate station 76. From there it runs in North-West direction a distance of 923 links to reach the station No. 79, passing through the intermediate station 78. Thence it runs in Western direction to station No. 80, a distance of 435 links.

Bearings and distances from station are as follows :—

1	2	3	4
61	62	292	560
62	63	217½	195
63	64	340½	162
64	65	352	482
65	66	2 4	310
66	67	219½	185
67	68	286½	246
68	69	29 3½	150
69	70	318½	168
70	71	41	252
71	72	5:½	350
72	73	343½	550
73	74	315	860
74	75	290	750
75	76	208	565
76	77	196½	129
77	78	286½	163
78	79	295	760
79	80	277	435

West.—Thence the demarcation line runs in Northern Direction a distance of 727 links to reach the station No. 82, passing through the intermediate station No. 81. From there it runs in almost North-West direction a distance of 907 links to reach the station No. 85, passing through the intermediate stations 83 and 84 From there it runs in Western direction to station No 86, a distance of 637 links. Again it runs in almost North-West direction a distance of 2360 links to reach the station No. 0, passing through the intermediate stations 87 to 89. Again it runs in Northern direction to station No, 1, a distance of 1015 links. From there it runs in North-West direction to station No. 2, a distance of 770 links. Therefrom it runs in almost Western direction a distance of 1661 links to reach the station No. 4, passing through the intermediate station No. 3. From there it runs in North-West direction a distance of 1315 links to reach the station No. 6, passing through the intermediate station No. 5. Finally the line runs in almost Northern direction a distance of 418 links to reach the station No. 7, which is the starting point.

Bearings and distances from station to station are as follows :—

Station Numbers From	To	Bearings in degrees	Distances in links.
80	81	5	193
81	82	19	537
82	83	32 ½	302
83	84	318½	310
84	85	302	295
85	86	278	637
86	87	38	330
87	88	316	700
88	89	330	850
89	0	330	480
0	1	½	1015
	2	299½	770
2	3	266½	1102
3	4	266½	661
4	5	323	715
5	6	323	570
6	7	341½	418

—Starting point.

Enclosure

North:—Starting from the station No. 3, a point situated at the cairn No. 3 of the enclosure, the demarcation line of the Enclosure runs in a'most North-East direction in the foll wing bearings a distance of 2337 links to reach the station No. 8 passing through the intermediate stations 4 to 7.

Station From	Numbers To	Bearings in degrees	Distances in links.
3	4	79	366
4	5	71	676
5	6	26½	274
6	7	62½	700
7	8	81½	321

East:—Thence the demarcation line of the 'Enclosure' runs in almost Southern direction in the following bearings a distance of 1610 links to reach the station No. 10, passing through the intermediate station 9.

Station From	Numbers To	Bearings in degrees.	Distances in links.
8	9	170	739
9	10	178	871

South:—Thence the demarcation line of the 'Enclosure' runs in almost Western direction in the following bearings a distance of 2246 links, passing through the intermediate stations 11 and 12 to reach the station No. 1, which is a point situated North-East of station No. 82 (*i.e.* cairn No. 83) and at a distance of 348 links.

Station From	Numbers To	Bearings in degrees	Distances in links.
10	11	246	1030
11	12	269½	503
12	1	288	713

West:—Thence the demarcation line of the Enclosure finally runs in almost Northern direction in the following bearings a distance of 891 links passing through the intermediate station 2 to reach the station No. 3, which is the starting point of the Enclosure.

Station Numbers From	To	Bearings in degrees	Distances in links.
1	3	359	177
2	3	352	714
		Starting point of the Enclosure	

Right of ways.—

(i) A panchayat road from Sarpady enters the block between cairn Nos. 90 and 1 and comes out between cairn Nos. 22 and 23 and goes to Bentwal.

Other privileges.—

(1) Free grazing of cattle by villagers.
(2) Free removal of green manure leaves for *bona fide* use by royots.
(3) Free removal of dry fuel for *bona fide* use by villagers.

[No. AFD 176 FAF 76.]

By Order and in the name of the Governor of Mysore,

M. A. MECCAI *Under Secy.*

NOTIFICATION

Bangalore, dated 30th September 1967.

S. O. 1981.—In exercise of the powers conferred by Section 4 of the Madras Forest Act, 1882 (Madras Act V of 1882), as in force in the Madras Area, the Government of Mysore hereby—

(i) declares that it is proposed to constitute the lands in the Puttur Taluk of South Kanara District, the situation and limits of which are specified in the schedule hereto annexed, as a reserved forest;

(ii) appoints the Forest Settlement Officer, Mangalore, to be the Forest Settlement Officer for purposes of clause (c) of the said Section; and

(iii) appoints the Divisional Forest Officer, Mangalore Division, Mangalore, to attend on behalf of the Government at the inquiry conducted by the said Forest Settlement Officer.

Under Section 14 of the said Act, the Government of Mysore hereby appoints the Deputy Commissioner of South Kanara District to hear appeals on any orders passed by the Forest Settlement Officer under Sections 11, 12 and 13 of the said Act.

SCHEDULE.

Name of the District	...	South Kanara.
Name of the Taluk	...	Puttur
Name of the Block	...	'Bainad Block I' Bit I and II
Name of the Village	...	Bainad Village
Survey field Number	...	281/1
Extent	...	137.50 acres.

Boundary Description.

'Bit I'

North:—Starting from the station No. 21 a point situated at the newly constructed cairn No. 23, the demarcation line of the proposed block runs in almost North-East

direction a distance of 1737 links to reach the station No. 28, passing through the intermediate stations 24 to 27. Thence it runs in almost South-West direction a distance of 461 links to reach the station No. 30, passing through the intermediate station 29. From there it runs in Southern direction to station No. 31, a distance of 130 links. From there it runs in South-East direction to station No. 32, a distance of 440 links. Therefrom the line runs near 'Nalliyadka' in almost North East direction a distance of 2367 links to reach the station No. 41, passing through the intermediate stations 33 to 40 Thence it runs in Southern direction to station No. 42, a distance of 258 links. From there it runs in Eastern direction to station No. 43, a distance of 208 links. Again it runs in North-East direction to station No. 44, a distance of 290 links. From there it runs in Eastern direction to station No. 45, a distance of 196 links. Thence it runs in South-East direction a distance of 549 links to reach the station No. 47, passing through the intermediate station 46.

Bearings and distances from station to station are as follows:—

Station Numbers From	To	Bearings in F.R	Distances in links
1	2	3	4
21	22	30	290
22	23	65	210
23	24	88	265
24	25	61	310
25	26	70 1/2	140
26	27	60 1/2	308
27	28	85	144
28	29	19 1/2	224
29	30	207	240
30	31	180	130
31	32	14. 1/2	440
32	33	42 1/2	274
33	34	29	364
34	35	28	282
35	36	14	160
36	37	10	300
37	38	97 1/2	244

1	2	3	4
38	39	69	180
39	40	72½	248
40	41	81	3 6
41	42	181	2:8
42	43	97	208
43	44	31½	290
44	45	91½	196
45	46	144	164
46	47	133	2-5

East:—Thence the demarcation line runs first in almost Southern direction to station No. 0, a distance of 193 links. From there it runs in almost South-West direction a distance of 597 links to reach the station No. 3, passing through the intermediate stations 1 and 2. Thence it runs in North-West direction to station No. 4, a distance of 25 links. From there it runs in almost South-West direction a distance of 420 links to reach the station No. 6, passing through the intermediate station 5. Again it runs in almost North-West direction a distance of 578 links to reach the station No. 8, passing through the intermediate station 7 from there, it runs in Soth-West direction to station No. 9, a distance of 274 links. Again it runs in South-East direction to station No. 10, a distance of 421 links. Therefrom the line runs in almost South-West direction a distance of 1262 links to reach the station No. 14 passing through the intermediate stations 11 to 13.

Bearings and distances from station to station are as follows:—

1	2	3	4
47	0	176½	1:3
0	1	2 3+	237
1	2	217	168
2	3	2 2	193
3	4	325½	2.5
4	5	259½	1-0
5	6	2.6	240
6	7	286½	206
7	8	2-8½	373
8	9	244	274
9	10	159	421
10	11	219½	224
11	12	227½	354
12	13	134	1 8
13	14	196	48-)

South:—Thence the demarcation line runs in almost Western direction a distance of 983 links to reach the station No. 16, passing through the intermediate station 15.

Bearings and distance from station to station are as follows:—

1	2	3	4
14	15	278	605
15	16	250½	378

West:—Thence the boundary line runs in almost North-West direction a distance of 1296 links to reach the station No. 21 which is the starting point, passing through the intermediate stations 17 to 20.

Bearings and distances from station to station are as follows:

1	2	3	4
16	17	314	228
17	18	311	222
18	19	306	243
19	20	311	248
20	21	32 ½	315

'Bit II'

North:—Starting from the station No. 0, a point situated North-East of station No. 0 of the bit I and at a distance of 618 links, the demarcation line runs in North-East direction to station No. 1 a distance of 169 links. Then it runs in Eastern direction to station No. 2, a distance of 172 links. From there it runs in almost South-East direction a distance of 1767 links to reach the station No. 8, passing through the intermediate stations 3 to 7, From there it runs in South-West direction a distance of 699 links to reach the station No. 10, passing through the intermediate station 9. Thence it runs almost South-East direction a distance of 672 links to reach the station No. 12,

passing through the intermediate station 11. Thence it runs in North-East direction to station No. 13, a distance of 325 links. Again it runs in almost Northern direction to station No 14, a distance of 227 links. Therefrom the line runs in almost North-East direction a distance of 1988 links to reach the station No. 20 passing through the intermediate stations 15 to 19. Thence it runs in North-West direction a distance of 692 links to reach the station No. 22, passing through the intermediate station 21. From there it runs in almost Northen direction a distance of 724 links to reach the station No. 24, passing through the intermediate station 23. Thence it runs in North-East direction to station No. 25, a distance of 216 links. Therefrom the line runs in almost Eastern direction a distance of 544 links to reach the station No. 28, passing through the intermediate stations 26 and 27. Thence it runs in South-East direction to station No. 29 a distance of 150 links. From there it runs in almost Southern direction a distance of 652 links to reach the station No. 32, passing through the intermediate stations 30 and 31. From there it runs in almost North-East direction a distance of 728 links to reach the station No. 35, passing through the intermediate stations 33 and 34. Thence forth it runs in almost South-East direction a distance of 741 links to reach the station No. 39, passing through the intermediate stations 36 to 38. From there the line runs in almost South-West direction a distance of 1443 links to reach the station No. 42, passing through the intermediate stations 40 and 41. Again it runs in South-East direction a distance of 548 links to reach the station No. 44, passing through the intermediate station 43. Thence it runs in Eastern direction to station No. 45, a distance of 322 links. Thence it runs in almost North-East direction a distance of 1883 links to reach the station No. 52, passing through the intermediate stations 46 to 51. From there it runs in Northern direction to station No. 53, a distance of 710 links. Therefrom the line runs in almost North-East direction a distance of 1635 links to reach the station No. 56 passing through the intermediate stations 54 and 5. Thence it runs in almost Northern direction to

station No. 57, a distance of 524 links. From there it runs in Eastern direction a distance of 890 links to reach the station No. 59, passing through the intermediate station 58.

Bearings and distance from station to station are as follows:—

Station From	Number To	Bearings in F.B.	Distances in links
1	2	3	4
		Degrees	
0	1	43½	169
1	2	93	172
2	3	141½	165
3	4	167½	220
4	5	151	215
5	6	96	454
6	7	109½	376
7	8	135	337
8	9	200½	220
9	10	196	279
10	11	165	380
11	12	121	292
12	13	37	325
13	14	343	227
14	15	17	460
15	16	35	100
16	17	20	178
17	18	38	515
18	19	48½	250
19	20	12½	485
20	21	287½	370
21	22	287	322
22	23	348	516
23	24	354½	208
24	25	22	216
25	26	83	170
26	27	87	260
27	28	82	114
28	29	131	156
29	30	190½	190
30	31	175½	290
31	32	165½	172
32	33	70½	320

1	2	3	4
33	34	4½	120
34	35	10½	288
35	36	105	148
36	37	102½	130
37	38	135½	213
38	39	130½	250
39	40	195	216
40	41	217½	567
41	42	224	660
42	43	126	300
43	44	134	248
44	45	81½	322
45	46	29	320
46	47	41	411
47	48	54	215
48	49	18	180
49	50	42	300
50	51	47	185
51	52	32	272
52	53	10	710
53	54	321	475
54	55	324	793
55	56	338	367
56	57	6½	524
57	58	89	490
58	59	84	400

East.—Thence the demarcation line runs in almost South-East direction a distance of 1303 links to reach the station No. 63, passing through the intermediate stations 60 to 62. From there it runs in western direction a distance of 705 links to reach the station No. 65 passing through the intermediate station 64. From there it runs in South-West direction to station No. 66, a distance of 595 links. Thence it runs in almost South-East direction a distance of 1127 links to reach the station No. 70, passing through the intermediate stations 67 to 69. Again it runs in South-West direction a distance of 1448 links to reach the station No. 72, passing through the intermediate station 71. Therefrom it runs in South-East direction a distance of 1668 links to reach the station No. 75, passing through the intermediate stations 73 and 74.

Bearings and distances from station to station are as follows:—

1	2	3	4
59	60	135	445
60	61	124½	293
61	62	129	325
62	63	163	240
63	64	272	236
64	65	277½	469
65	66	254	595
66	67	139½	466
67	68	131½	115
68	69	130½	218
69	70	103½	328
70	71	211	518
71	72	201½	930
72	73	112	488
73	74	140	500
74	75	124	680

South.—Thence the demarcation line runs in South-West direction a distance of 740 links to reach the station No. 77 passing through the intermediate station 76. From-there it runs in Western direction to station No. 78, a distance of 220 links. Thence it runs in North-West direction a distance of 587 links to reach the station No. 79. Again it runs in South-West direction to station No. 80, a distance of 315 links. Thence it runs in westren direction a distance of 915 links to reach station No. 82, passing through the intermediate station 81. Again it runs in North-West direction a distance of 925 links to reach the station No. 84, passing through the intermediate station 83 Therefrom the line runs in almost South-West direction near 'Saja Byle' a distance 4416 links to reach the station No. 96, passing through the intermediate stations 85 to 95.

1	2	3	4
75	76	227½	240
76	77	235	500
77	78	266½	220
78	79	288½	587
79	80	226½	315
80	81	268	720
81	82	261	195
82	83	296½	620
83	84	302	305
84	85	187	300
85	86	189	285
86	87	216½	530
87	88	194½	490
88	89	212½	530
89	90	177½	415
90	91	196½	733
91	92	189	300
92	93	203½	163
93	94	213	300
94	95	210	200
95	96	230	170

West.—Thence the demarcation line runs in North-West direction a distance of 1219 links to reach the station No. 100, passing through the intermediate stations 97 to 99. From-there it runs in North-East direction a distance of 407 links to reach the station No. 102, passing through the intermediate station 101. Thence it runs in almost Eastern direction to station No. 103, a distance of 490 links. Therefrom the line runs in almost Northern direction a distance of 1161 links to reach the station No. 107, passing through the intermediate stations 104 to 106. Therefrom it runs in almost North-West direction a distance of 2299 links to reach the station No. 116, passing through the intermediate stations 108 to 115. From there the line finally runs in Nothern direction a distance of 527 links to reach the station 0, which is the starting point, passing through the intermediate station 117.

Bearings and distances from station to station are as follows :—

1	2	3	4
96	97	302	356
97	98	316	263
98	99	325	455
99	100	325	145
100	101	44½	256
101	102	47	151
102	103	79	490
103	104	21½	334
104	105	3½	184
105	106	3½	395
106	107	354	248
107	108	330	247
108	109	327	360
109	110	314	243
110	111	331	433
111	112	327½	175
112	113	329	270
113	114	301½	223
114	115	273	192
115	116	316	155
116	117	358	345
117	0	355½	182

Starting points.

Other Privileges.—

(a) Free grazing of cattle by villagers.

(b) Free removal of green manure leaves for *bona fide* use by ryots.

(c) Free removal of dry fuel for *bona fide* use by villagers.

[No. AFD 173 FAF 66.

By Order and in the name of the Governor of Mysore,

M. A. Meccai, *Under Secy.*

NOTIFICATION.

Bangalore, dated 5th October 1967.

S.O.1982.—In exercise of the powers conferred by section 4 of the Madras Forest Act, 1882 (Madras Act V of 1882), as in force in the Madras Area, the Government of Mysore hereby—

(i) declare that it is proposed to constitute the lands in the Belthangady Taluk of South Kanara District, the situation and limits of which are specified in the schedule hereto annexed, as reserved forests ;

(ii) appoints the Forest Settlement Officer, Mangalore to be the Forest Settlement Officer for purposes of clause (c) of the said section ; and

(iii) appoints the Divisional Forest officer, Mangalore Division, Mangalore, to attend on behalf of the Government at the inquiry conducted by the said Forest Settlement Officer.

Under section 14 of the said Act, the Government of Mysore hereby appoints the Deputy Commissioner of South Kanara District to hear appeals on any orders passed by the Forest Settlement Officer under sections 11, 12 and 13 of the said Act.

SCHEDULE

Name of the District	...	South Kanara.
Name of the Taluk	...	Belthangady
Name of the Village	...	Laila
Name of the Block	...	Laila Block (U)
Survey Field No.	...	158 1
Extent	..	122.40 acres

Boundary Description

North :—Starting from station No, 45 (Newly constructed cairn No. 44) the demarcation line of the proposed block runs first in South-East direction to station No 46 a distance of 200 link. From there it runs in almost North-East direction a distance of 1419 links to reach the station No 53 passing through the intermediate stations 47 to 52. Thence it runs in almost South-East direction a distance of 593 links to

reach the station No. 55 passing through the intermediate station No. 54. Again it runs in South-West direction to station No. 56 a distance of 173 links. Again it runs in North-West direction to station No. 57 a distance of 222 links. Therefrom it runs in almost South-East direction a distance of 1114 links to reach the station No. 60 passing through the intermediate stations 58 and 59. From there it runs in North-East direction to station No. 61 a distance of 264 links. Therefrom it runs in almost Eastern direction a distance of 527 links to reach the station No. 63 passing through the intermediate station No. 62. Then the line runs in almost South-East direction a distance of 1132 links to reach the station No O passing through the intermediate stations 64 to 67. Bearings and distance from station to stations are as follows.—

Station From	Numbers To	Bearings in F.B.	Distances in links
45	46	114½	200
46	47	69	200
47	48	83	133
48	49	83	176
49	50	67½	187
50	51	67½	190
51	52	50	333
52	53	65	200
53	54	124	320
54	55	154½	273
55	56	248½	173
56	57	301½	222
57	58	169½	412
58	59	155	350
59	60	130½	352
60	61	50	264
61	62	89	227
62	63	78	300
63	64	114	306
64	65	103½	230
65	66	103½	200
66	67	101½	167
67	0	129	229

East.—Thence the boundary line runs in South-West direction a distance of 934 links to reach the station No. 3 passing through intermediate stations 1 and 2. From there it runs in almost Southern direction a distance of 721 links to reach the station No. 6 passing through intermediate station Nos. 4 and 5. Therefrom the line runs in

almost South-West direction a distance of 1603 links to reach the station No. 11 passing through intermediate stations 7 to 10. Again it runs in Southern direction to station No. 12 a distance of 200 links. Thence it runs in almost South-West direction a distance of 725 links to reach the station No. 14 passing through intermediate station 13.

Bearings and distances from station to station are as follows.—

Station From	Number To	Bearings in F.B.	Distances in links
0	1	209	450
1	2	209	310
2	3	202	174
3	4	187½	150
4	5	185½	366
5	6	197½	205
6	7	256½	400
7	8	251	312
8	9	207	415
9	10	195	412
10	11	240	264
11	12	175	200
12	13	188½	395
13	14	210	330

South.—Thence the boundary line runs in North-East direction a distance of 714 links to reach the station No. 16 passing through intermediate station No. 15. From there it runs in Northern direction to station No. 17 a distance of 190 links. From there it runs in Western direction to station No. 18 a distance of 222 links. Again it runs in North-West direction a distance of 591 links, to reach the station No. 20 passing through intermediate station 19. From there it runs in Western direction to station No. 21 a distance of 183 links. From there it runs in almost South-West direction a distance of 563 links to reach the station No. 23 passing through intermediate station No. 22 From there it runs in almost Western direction a distance of 731 links to reach the station No. 25 passing through intermediate station No. 24. From there the line runs in almost South-West direction a distance of 698 links to reach the station No. 27 passing intermediate station No. 26.

Bearings and distances from station are as follows :—

Station From	Numbers To	Bearings in F. B.	Distances links
14	15	318½	370
15	16	325	344
16	17	2½	190
17	18	277½	222
18	19	308	244
19	20	303	347
20	21	275	183
21	22	252	233
22,	23	2·8	330
23	24	285	250
24	25	265½	481
25	26	226½	383
26	27	212½	315

West—Thence the demarcation line runs in North-West direction to station No. 28 a distance of 284 links. From there it runs in North-East direction a distance of 556 links to reach the station No. 30, passing through intermediate station 29 From there it runs in Northern direction to station No. 31 a distance of 513 links. There rom the line runs in almost North-East direction a distance of 866 links to reach the station No. 34 passing through intermediate stations 32, and 33. From the e it runs in almost Northern direction a distance of 787 links to reach the station No. 37 passing through intermediate station Nos. 35 and 36. Again in runs in North-East direction a distance of 515 links to reach the station No. 39 passing through intermediate station No. 38. Again it runs in Northern direction to station No. 40 a distance of 270 links. From there it runs in North-East direction to station No. 41 a distance of 300 links. Finally the line runs in almost Northern direction a distance of 747 links to reach the station No. 45 (which is a starting point) passing through intermediate stations 42 to 44.

Bearing and distances from station to station are as follows :—

Station Numbers From	To	Bearings in F. B.	Distances in links
27	28	340	28½
28	29	54½	306
29	30	60½	250
30	31	356½	612
31	32	13½	315
32	33	29	271
33	34	23½	290
34	35	356½	306
35	36	351½	197
36	37	350½	300
37	38	31½	191
38	39	31½	325
39	40	2½	270
40	41	67	300
41	42	7½	173
42	43	11½	180
43	44	19½	214
44	45	8½	150

Other Rights :—

(1) Free grazing of cattle by villagers.

(2) Free removal of green leaves *for bona fide* use of the village.

(3) Free removal of dry fuel for *bona fide* use of villagers.

[No. AFD 66 FAF 73]

By Order and in the name of the Governor of Mysore,

1212 M. A. MECOAL, *Under Secretary*.

GOVERNMENT OF MYSORE.

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT.
(Labour)

Labour Dispute :—Industrial Dispute between the workmen and the management of Remington Rand of India, Ltd. Bangalore Branch office, 25 and 25A, Mahatma Gandhi Road, Bangalore-1.

Award of the Industrial Tribunal, Bangalore—Published.

Read the following papers :—

1. **Letter No. I.T. No. 1050-1/67 68, dated 23rd September 1967 from Sri A. Panchaksharaiah, Presiding Officer, Industrial Tribunal, Bangalore.**

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Dated 21st September 1967.

Present

Sri A. Panchaksharaiah, B.A. (Hons.) LL. B., ... *Presiding Officer.*

I. D. No. 4 of 1966.

Workmen of M/s. Remington Rand of India, Ltd Bangalore Branch Office, 25 and 25A. Mahatma Gandhi Road, Bangalore-1 ... ... *I Party*

Vs

Management of M/s. Remington Rand of India, Ltd, Bangalore Branch Office, 25 and 25A. Mahatma Gandhi Road, Bangalore-1 ... ... *II Party.*

Appearances.

Sri M. C. Narasimhan, Advocate, Bangalore .. *For the I Party*
Sri S. S. Nathan, Administrative Officer, Remington Rand, of India, Ltd., Madras ... *For the II Party.*

Reference.

G. O. No. LMA 337 LLD 65, Bangalore, dated 3rd February 1966.

AWARD

The Workmen employed in M/s. Remington Rand of India, Ltd., Bangalore Branch represented by the Secretary, Remington Rand Employees' Union, Madras, submitted charter of demands on 11th September 1965 to the management of M/s. Remington Rand of India Ltd., Bangalore Branch. Among several other demands three demands which are the subject matter of this dispute, came up before the Conciliation Officer, Bangalore Division. As the parties did not come to any settlement, a failure report was submitted to the Government and the Government of Mysore in their Order No. LMA 637 LLD 65, dated 3rd February 1966, referred these disputes under Section 10 (1) (d) of the Industrial Disptues Act, 1947, to this tribunal for adjudication.

2. The first of these demands is in connection with the Lunch Allowance of Re. 1 per day claimed by the workmen of the Bangalore Branch. Demand No. 2 is regarding reimbursement of the medical expenses incurred by the workmen and their families while sick and the 3rd demand is in relation to enhancement of Batta at the rate of Rs. 10 Rs. 12 50 and Rs. 15 for those drawing a salary of less than Rs. 100, between 101 and 150, and 151 and above respectively. This dispute was registered as I.D: No. 4 of 1966 and Notices were taken out to both the parties to file their pleadings.

3. The I Party represented by the Secretary, filed a claim statement on 22nd February 1966. Justifying the claims for these demands the I Party workmen contend that at a meeting of the workmen held on 31st August 1965 certain demands were formulated and these were submitted to the II Party Management on 11th September 1965. The Union had discussions with the management about these demands, but the management was unable to come to any understanding about these demands. The I Party workmen contend that the Remington Rand Company is a subsidiary of M/s. Sperry Rand Corporation, New York. The Indian Company was established with a rupee capital invested on 1st April 1952 with rights to manufacture the Remington Standard Office Typewriters and to market the Remington Rand business equipment. The Company is a well-reputed firm having as many as 45 Branches all over India. The factory for manufacture of typewriters is situated at Calcutta. Apart from

manufacturing and selling typewriters, the company also manufactures other Office equipments like Duplicators, Filing cabinets, Kardex cabinets, Card index cabinets, Open Filling systems, Ribbons, Corbons etc. Apart from selling these items the company also undertakes maintainance and repairs, overhauling and servicing of the goods sold by the company in addition to rebuilding of second hand typewriters. It has Sevice Contracts with several commercial concerns and Government all over the Country. It is the largest concern in India manufacturing and selling various models of typewriters in several languages and enjoys a unique position in the trade of typewriters. It is a distinctive and special position in the industry and has attained in its business a position of a semi monpolist and there are no industrial concerns which are comparable to this Company. No other manufacturer manufactures typewriters in such a large scale or has built the name and reputation for its products as this Company has done. The demands submitted by the Union to the Company cover all the workmen working in the Regional Office at Madras and the Branches controlled by the Madras Regional Office, including Bangalore. In Bangalore, there are only 15 employees of this Company out of whom 9 are Mechanics and the rest are Clerical Staff. Although the Company has been in such a prosperous state and has been paying fabulous amounts to its executives, the wages paid to its workers have been rediculously low.

4. Justifying the claim for Lunch Allowance, the I Party workmen contend that at the present movement, the Company pays Lunch Allowance to only those workmen who are deputed on Company's work outside the limits and who are not able to return to the Company during the Lunch recess for lunch. Such workers are paid 0 75 paise as Lunch Allowance. The demand of the Union is that all workmen including those who are working in the Office should be paid the Lunch Allowance of Re. 1 per day. The Union submits that the Company has been paying at Calcutta to all its workmen including those working inside the Office, lunch allowance of Re. 1 per day. The rate hitherto was 0.50 paise per day per worker but the same has been enhanced to Re. 1 under an agreement dated 13th January 1965. The I Party workmen contend that in the matter of payment of Lunch Allowance it is not open to the Company to discriminate between one set of workmen and another. The Union therefore prays that this amenity of Lunch Allowance be extended to all

workmen working in the Bangalore Office on the same terms applicable to workmen at Calcutta Office of the Company.

5. Coming to the demand No. 2, the I Party workmen contend that at present the Company reimburses the medical bills pertaining to the Officers of the company and members of their family. By an agreement dated 29th May 1962 a Scheme affording medical benefits has been introduced by the company to its Calcutta office employees. By the Scheme the employees are granted reimbursement of medical expenses when they fall sick. So far as the E. S. I. Scheme is concerned, it is not applicable to the employees of the Bangalore Branch. The Union has demanded the medical benefits to be made available to the members of the family when they fall sick. So far as the financial capacity of the concern to meet this demand is concerned, the I Party workmen contend that there is no doubt whatsoever that the Company possesses the required financial capacity and it can afford to meet these demands. This Medical benefit was in fact discussed at the time of direct negotiations with the company but the parties did not come to any agreement. The Union therefore prays for grant of this demand to provide hospitalisation of the workmen and their families at the Company's expenses while sick, Reimbursement of consultation expenses and expenses incurred towards medicines etc., on production of necessary bills.

6. Demand No. 8 relates to the claim of Batta at the rate of Rs. 10, Rs. 12.50 and Rs. 15 for persons drawing less than Rs. 100 Rs. 150 and 151 and above respectively. I do not wish to say much about this because it has been agreed both by Sri Narasimhan who represented the Union and Sri Nathan who represented the II Party, that the Batta may be enhanced in case of basic pay of Rs. 85 up to Rs. 6.50 for basic pay of Rs. 250 up to Rs. 8 and basic pay of over Rs. 250 at Rs. 10. The only difference between Sri Nathan and Sri Narasimhan was with regard to the date from which effect should be given to these rates. In the claim statement the Union has requested for revision of Batta with retrospective effect from the date of the demand. The demand of demand is 11th September 1965. whereas Sri Nathan contended that it would work great hardship on the company if it is granted with retrospective effect *i.e.*, from the date of the demand.

7. In the course of the counter statement, the II Party Company admits in para 8 as follows :—

> "But for the declining profitability of the Company, the Company would have extended the above revised rates in the case of Bangalore Branch employees also to have uniformity and promote industrial peace."

The Campany has no dcubt, realised that there should be uniformity of the service conditions between its employees in order to promcte industrial peace and if that is so it is hard to understand how it is open to the company to maintain different service conditions in different places or different amenities to its employees at different places. That this Company is not having any declining profits is very clear from some of the exhibits which I am referring now. Ex. W16 is a statement showing the sales effected, profit earned and reserves kept back for the years commencing from 1955-56 to 1963.64 A perusal of this statement will clearly indicate that the Company's sales and the business have doubled themselves and the profits have also doubled and the reserves are almost tribbled. Ex. W 17 is a Circular sent by K. S. Narayan, Regional Manager, Madras Region, on 19th November 1964. It is as follows :—

> "Subject:—Capital issued by Remington Rand of India Ltd. I have great pleasure in enclosing herewith a Cyclo-styled copy of a new item on the above subject which appeared in the Economic Times on Wednesday November 18th 1964. I want to digest the contents of this news item and inform our customers of our expansion programme and Indian participation the capital structure we are going to have shortly etc."

The news item which had appeared in the Economic Times, Bombay, dated 18th November 1964 gives the following information.

> "A faced programme for the manufacture of these type-writers was launched and the Indian manufacture content was negligible and a major number of more than 1700 components which make a typewriter had to be imported. The initial installed capacity of the Company's factory was 15 Typewriters per annum. It was due to the technical collaboration of Sperry Rand Corporation, the Indian manufacture pontent of the

typewriter increased to 93.5 per cent and the capacity of the Company's factory reached 25,000 typewriters per annum. The Company's sales turn over also increased from 1.11 crores in 1952-53 to 3.91 crores in 1963-64".

Ex. W 18 also helps us in this matter. Ex. W 19 is a circular issued to all the members of the staff of the Madras Region by the Regional Manager congratulating himself and the staff on the wonderful performance done by them in 1964-65. The company has also congratulated Mr. K. S. Narayan by its telegram which reads as follows :—

"Narayan, please accept my strong congratulations for your fine achievement during March and I ask that you continue them into April and May STOP Your April sales budget is 3 lakhs, collection 5.5 lakhs Expect you to equal or exceed these figures".

Obrien

One of the Director."

From these documents therefore it is abundantly clear that the Company was not at all having any declining profits, but on the contrary it was having roaring profits and the statement made by the company in para 8 of the counter statement is not quite correct. However, since both the parties agree for the revision of the rates of Batta at the rates mentioned above, there will be an award in this behalf accordingly.

8. Regarding item No. 3, workmen drawing up to Rs. 85 as basic pay, will be entitled to Rs. 6.50 per day as batta. Regarding those drawing up to Rs. 250 above Rs 85 they will be entitled to Rs. 8 per day as Batta. So far as those who draw a salary of Rs. 250 and above, they will be entitled to Rs. 10 per day as batta. After all, this will not give a fly bite to the Company's profits because, of the 15 employees in Bangalore branch only 9 of them are Mechanics and it is only the Mechanics that are sent out on tour. The clerical staff will not be generally sent out on tour. However each of the employees at Bangalore will be entitled to the rate of batta as indicated above with effect from 11th September 1965 which is the date of demand in this case. To this effect there will be an award regarding point of dispute No. 3.

8. I now take up issue No 1 for consideration *i.e.*, Lunch allowance and reimbursement of medical expenses incurred by the workmen. It is convenient to deal with both the points together because both the benefits are available to the workmen employed in the Calcutta Region. So far as the lunch Allowance is concerned, this benefit is available to the Delhi workers also. In this behalf the Union contends that at present the company pays lunch allowance to only those workmen who are deputed on company's work outside the City Limits and who are not able to return to the company during lunch recess for lunch. Such workers are paid 0.75 paise as lunch allowance. The demand of the Union in this behalf is two fold. The first is that this lunch allowance should be raised to Re. 1 per day and the second is that of all the workers working at Bangalore should be paid this lunch allowance. The Union contends that the company has been paying at Calcutta to all its workmen including those working inside the Office, a lunch allowance of Rs. 0.50 paise per day and it has now been raised to Re. 1 per day with effect from 13th January 1965 and this is evidenced by an agreement Ex. W1. Regarding Issue No. 2 which deals with Medical aid, the Union submits that at present the company reimburses the medical bills pertaining to the Officers of the Company and members of their families. In the Calcutta Office of the Company by an agreement dated 29th May 1962 a scheme affording medical benefits has been introduced and by such a scheme the employees are granted reimbursement of medical expenses when they fall sick. In Bangalore the E S.I. Scheme is not applicable to the employees. The Union submits that while the highly paid employees of the company are afforded this facility, it is unjust to refuse the same to the Clerks, Mechanics and peons working in the Bangalore Branch of the Company. So far as financial capacity to meet this demands is concerned, the company has ample funds and perhaps more than the required funds. The contention of the company is that any wage scale fixed contains an element of expenditure for the mid-day meal or lunch and therefore a demand for a separate lunch allowance is not justifiable. This facility viz, lunch allowance is not available to any of the branches of the company which is an All India concern having 30 offices throughout the country, except in the Calcutta Office. Any introduction of such a lunch allowance in other branches would introduce industrial unrest.

9. Regarding Medical benefits the Company submits that there is no scheme for medical facilities for the employees of the

Company for the Madras Region under whose jurisdiction the branch establishment of Bangalore falls. The medical facilities are not available to the employees in any of the branches of the Company in India, except Calcutta where it has come into force by way of a consent award having regard to regional considerations. In this connection the Union has examined two witnesses, W. W. 1 K. Prameshwar and W W 2 Shankaran The Company has examined one witness Prabhakar the Branch Manager at Bangalore. The evidence of this Branch Manager is that the Company is having stiff competition from companies like Halda, Godrej. Rayala Corporation have got their Agency at Bangalore. Ex. M9 is produced by this witness to show the details of the staff employed by the Agents of the Rayala Corporation. The evidence of this witness is that the employees of the Rayals Corporation at Bangalore are not getting any lunch allowance or medical benefits. He however admits that the Remington Rand, Bangalore Branch pays a lunch allowance to its employees going out beyond the City limits and who cannot return to Bangalore on the same day. He does not seem to have much knowledge about his own Company's affairs because he admits that Re. 1 is being paid as lunch allowance, whereas the I Party contends that it is actually 0 75 paise that is paid as lunch allowance. The witness says that the Remington Company is not paying any lunch allowance to the indoor workers in any part of the Southern Region. However he admits that the company is paying lunch allowance to its employees at Delhi and Calcutta. He further admits that the employees are transferable from one place to the other. By virtue of an agreement the Delhi employees are getting a higher scale of salary than the Calcutta employees. To compensate that, lunch allowance is being paid at Calcutta. At Bangalore, the witness admits that Voltas are paying lunch allowance to their employees *i.e.*, those who cannot return home for lunch. He is not able to say if lunch allowance is paid in Delhi Regional Office also. Nor is he able to say the circumstances under which lunch allowance is being paid either at Calcutta Regional Office or Delhi Regional Office. He has produced some documents to show that lunch allowance is not being paid by some of the establishments in Bangalore in similar concerns. He has produced Ex. M4 which is an agreement between the Dunlop Rubber Company, India, Ltd., and Dunlop Employees Union, Hyderabad. Even here the company has agreed to pay lunch allowance of Rs. 1·50 per day to all employees who are graded in accordance with the grading schemes attached to

this agreement subject to the condition that it will be payable in respect of those days on which the employees are present excluding Saturdays, Sundays and holidays. So in Hyderabad the employees of the Dunlop Rubber Company are getting Rs.1-50 per day as Lunch Allowance according to the document produced by the II party itself. Ex.M12 is produced by the Company to show the working conditions of Gestener Duplicator Private Ltd., Calcutta to show that no lunch allowance is being paid to its employees, Condition No.5 in Ex.M12 shows that no lunch allowance is payable, but lunch money is paid to the following categories of employees if they work through the lunch hour at the rate of Re.1./- and Rs 1.50 per day. So also regarding the medical benefits. According to Ex.M12, medical benefits are not given to the employees of Gestener Duplicators as a matter of right but on individual applications each case is considered for medical benefit. So also in the case of Dunlop Rubber Company. According to clause 13 of Ex M4, an employee will be entitled to consult free of charge the Company's doctor either at the office or by appointment at his Consulting Room. If recommended by the Medical Officer, the Company will pay the cost of X-Ray examination, electrical treatment, massage, injection etc., and any other special treatment, as also special fees. Again, if recommended by the Medical Officer that an operation is necessary, the company will pay the cost of such operation in excess of Rs. 25 and the hospital charges in excess of Rs 2 per day. It is thus clear from the documents produced by the II party that a lunch allowance is being given to the employees as also the medical benefits Ex.M6 is a copy of the Memorandum of Settlement, dated 28th May 1962 under which the employees of the Calcutta Branch are entitled to the medical benefits. The Union has also produced some documents to show that in more or less comparable concerns of Bangalore. there is a practice of paying lunch allowance and giving medical benefits. Ex.W20 is the G.E.C. Employees Union Report according to which Tiffin Allowance is being given to the employees of the G.E.C. Clause (3) at page 42 of Ex.W20 shows that the employees who are in receipt of a basic salary of less than Rs. 300 were entitled to Tiffin allowance of 0.62 paise for full working day and 0.75 paise for full working day from 1st February 1961. Ex.W6 shows the working conditions of the East Asiatic Company Staff Union, Madras. Even there lunch allowance is paid at Rs.1.50 and 0.75 paise per day. That is now raised to Rs. 2 and Re. 1 for all clerical staff and menial staff. It was argued by Mr. Nathan that the Union has failed to produce

evidence of conditions of service in comparable concerns in Bangalore. The evidence produced of the other companies by the I party, is not of much help. The contenion of the Union is that there is no other comparable company anywhere in Bangalore or nearby, both in the matter of number of employees, number of branches it has and the volume of business it is doing and the Reserves it has built up and the reputation it has established. There is no other company equal to this company anywhere in India. This fact is in a way proved by Exhibits which I have referred to above. When there is no comparable industry in the region, necessarily one has to look to conditios prevailing in the other industries and M.W.1 admits that in Bagalore Voltas are paying lunch allowance to their employees and I have shown by several exhibits that the Dunlop Rubber Company, Gestener Company and the G.E.C. company are paying lunch allowance to their employees. Not merely that, the company itself is paying lunch allowance to its employees at Culcutta and at Delhi. It was argued by Mr. Nathan that if lunch allowance and medical benefits are available to the employees of the Calcutta Region it was due to an award. Whatever that be the fact is there that one section of the employees or the employees of one or two regions are getting lunch allowance and medical benifits, while the same is denied to the employees of other branches. M.W.1 has admitted that the employees of Bangalore are transferable to any place in India. He also admits that the working conditions throughout the Branches in various places and the working conditions among all the Regions are uniform. If that is the case it stands to reason that the benefits which the employees will be entitled to must also be uniform. The Company cannot make any discrimination between the employees of one Brach and the employees of the other. I only quote one decision of the Supreme Court reported in 1964 (I) LLJ 750. Their Lordships of the Supreme Court have laid down.—

> "In view of the facts of the instant case where the company has paid retaining allowance to some of its Clerks and the practice followed by the other factories in the neighbourhood, the company cannot make any discrimination in the payment of retaining allowance to some of the clerks. It was not explained by the campany as to how and why it paid retaining allowance to half of the seasonal clerks and not to others."

Their Lordships therefore have condemned such a practice of discrimination among the employees. Mr. Nathan was not able

to convince me as to why these benefits are extended only to the Calcutta and Delhi employees and not to other regions. His only argument was that if this tribunal granted the facilities to the Bangalore Branch workers, the employees also would claim similar benefits and thus industrial unrest would result. I fail to see the force of this argument. On the contrary, if there is no uniformity of service conditions or the benefits of the employment of one region, there is every reason for the employees of one region to feel aggrieved against the attitude adopted by the company. Regarding the financial capacity to meet this demand, the company has not whispered even a word in the counter statment that it is not in a position to meet these demands. On the contrary I have shown by Exhibit W16, the volume of business it is doing and the increased volume of business year after year is something unimaginable, and the company is making huge profits and the extra expenditure on account of the grant of these demands would not even amount to a fly bite to the funds of the company.

10. In the result, I make an award holding that all employees of the Bangalore Branch, both in-door and out-door, will be entitled to lunch allowance of Re. 1 per day on days on which they attend to work of the company. Regarding Issue No.2, medical benefits, the Madras Tribunal has in a way suggested a scheme. Even that cannot be denied to the employees of the Bangalore Branch. The Management therefore shall reimburse the medical expenses incurred by the workmen and their familie while sick. In regard to Lunch Allowance and the medical benefit, they will take effect from the date of the award, while with regard to Issue No.3' it will take effect from 11 thSeptember 1965.

11. I also direct the Company to pay to the I Party Union a sum of Rs.200 (Two Hundred only) towards the costs of this case.

(A. PANCHAKSHARAIH)

Presiding Officer,

Industrial Tribunal;

Bangalore-2.

ORDER

Bangalore, dated the 27th September 1967.

S. O. 1983.—WHEREAS by State Government Order No. LMA 637 LLD 65, dated 3rd February 1967, the Industrial Dispute between the Workmen and the Management of Remington Rand of India, Ltd., Bangalore Branch Office, 25 and 25 A. Mahatmagandhi Road, Bangalore-1, was referred to the Industrial Tribunal, Bangalore for adjudication.

AND WHEREAS the Industrial Tribunal, Bangalore, has submitted to the State Government its award in respect of the said Industrial Dispute.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazettee*.

[No. LMA 637 LLD 65.]

By Order and in the name of the Governor of Mysore,

1214 G. G. PUROHIT, *Under Secy*.

GOVERNMENT OF MYSORE.

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR).

Labour Dispute.—Industrial Dispute between the Workmen and the Management of Mangalore Municipality, Mangalore, South Kanara,

Award of the Industrial Tribunal, Bangalore—Published.

Read the following papers:—

(1) Letter I T No. 1105-6/67-68, dated 30th September 1967, from Shri A. Panchaksbariah, Presiding Officer, Industrial Tribunal Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE, (MANGALORE CAMP.)

Dated: 27th September 1967.

Present :

Sbri A. Panchaksbariah, B.A. (Hons.), L.L.B., *Presiding Officer.*

I.D. No. 51 of 1967.

The Workmen of Mangalore Municipality, Mangalore, South Kanara. ... ... *I Party*

Vs

The Management of Mangalore Muncipality, Mangalore, South Kanara ... ... *II Party*

APPEARANCES

For the I Party: Shri Telcharkar, Organizing Secretary, INTUC, Mangalore.

For the II Party: Shri Karnad Sashidhar Rao, President, General Managements' Association, Mangalore.

Reference

G. O. No. FCL 655 LLD 65 dated 18th July 1967.

AWARD

This Reference is being rejected as the same dispute has been referred to this Tribunal under Section 10 (1) (d) of tho Industrial Disputes Act, 1947 (Central Act XIV of 1947) by the Government of Mysore in their Order No. PLM 655 LLD 65, dated 28th June 1967 and the same was registered as I.D. No. 46 of 1967. The subject matter of I.D. No. 46 of 1967 and the points of dispute are :

"I. If Sri N.S. Giri, Sanitary Inspector of Mangalore Municipality doing the additional work of Projectionist and Health Education propoganda entitled to :—

(a) Restoration of Special Allowance of Rs. 30 per month from 1st January 1964.

(b) Sanction of pay scale of Rs. 140-5-150-8-190-10-320 from 1st January 1964.

II. If not, to what other reliefs is he entitled?"

and the subject matter of dispute in I.D., No. 51 of 1967 are practically identical and are as follows :

"I. If Sri N. S. Giri, Sanitary Inspector of Mangalore Municipality doing the additional work of Projectionist and Health Education propaganda entitled to :

(a) Restoration of Special allowance of Rs. 30 per month from 1st January 1964.

(b) Sanction of pay scale of Rs. 140-5-150-8-190-10-320 from 1st January 1964.

II. If not, to what other reliefs is he entitled?"

I, therefore, find I.D. No. 51 of 1967 is superfluous and has to be rejected. Further both the Parties have filed a joint Memo stating that the Reference in this dispute is the same as that of I.D. No. 46 of 1967 and hence this dispute may be rejected. Further, it must be noted that the rejection of I.D. No. 51 of 1967 will not come in the way of the Parties who had their rights in I.D. No. 46 of 1967 and obtaining the decision. In view of the fact that the same dispute is covered under I.D. No 46 of 1967 and is pending for decision, this Reference is rejected. There will, however, be no order as to costs.

A. PANCHAKSHARIAH

Presiding Officer,
Industrial Tribunal, Bangalore.
27—9—1967.

ORDER

Bangalore dated the 7th October 1967.

S.O. 1984—WHEREAS by State Government Order No. FCL 655 LLD 65, dated 18th July 1967 the Industrial Dispute between the Workmen and the Management of Mangalore Municipality, Mangalore, South Kanara. was referred to the Industrial Tribunal, Bangalore for adjudication;

AND WHEREAS the Industrial Tribunal, Bangalore, has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. FCL 655 LLD 65.]

By Order and in the name of the Governor of Mysore.

1257 G. G. PUROHIT, *Under Secy.*

GOVERNMENT OF MYSORE.

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR).

Labour Dispute.—Industrial Dispute between the Workmen and the Management of M/s. Sundekere Estate, Sakleshpura Post, Hassan District.

Award of the Labour Court, Bangalore Published.

Read the following papers :—

(1) Letter No. 688/67-68, dated 27th Septembor 1967, from Shri P. T. Kadkol, Presiding Officer, Labour Court, Bangalore.

BEFORE THE PRESIDING OFFICER, LABOUR COURT, BANGALORE.

Dated this 27th day of September 1967.

Present :

Sri. P. T. Kadkol, B.SC., LL.B., *Presiding Officer.*

Reference No. 72 of 1965.

Workmen represented by the Secretary, Inter-Districts Plantation Workers Union, Sakleshpura Post, Hassan District.

... *I Party.*

Vs.

The Management of M/s. Sundekere Estate, Sakleshpura Post, Hassan District.

... *II Party.*

(Reference : Government Order No. PLM 500 LLD 64, Dated 23rd November 1965).

AWARD

The Government of Mysore being of opinion that an industrial dispute exists between the workmen and the management of M/s. Sundekere Estate, Sakleshpura Post, Hassan District have referred it to this Court for adjudication under Section 10 (1) (c) of the Industrial Disputes Act, 1947, by their Order No. PLM 500 LLD 64, dated 23rd November 1967, setting out the following points of dispute for adjudication:—

" Whether the management of Sundekere Estate, Sakleshpur Post, Hassan District is justified in dismissing the services of Sri. Chella Muthu and 9 other workers (as per list) (Annexure)? If not; whether the said workers are entitled to reinstatement with back wages or any other relief ?"

ANNEXURE

Sarvashri.—

1 Chellamuthu
2 Pioney
3 Krishan
4 Keppan
5 Arunachala Maistry
6 Dakkaiah
7 Chento
8 Komaraswamy
9 Parvathy
10 Sri Lanthu

2. The cause of the aggrieved workmen has been sponsored by Inter-Districts Plantation Workers, Union, Sakleshpur which is a registered trade union. This Union as representing the workmen is the first party and the management of M/s. Sundekere Estate is the second party in this dispute.

3. In response to the notice issued by this Court, the first party has put in its statement of claims dated 15th December 1965 and the management of the second party has put in its statement of objections dated 18th February 1966.

4. On the basis of these pleadings some issues were framed and set down for hearing (*Vide* Order Sheet dated 23rd May 1966). The case underwent some adjournments and on 23rd September 1967 the representatives of both the parties appeared and filed a joint memorandum of settlement Ex. A and prayed for an award being passed in terms of it. It is stated therein that the parties have decided to amicably settle the dispute under reference and some other disputes pending between them by direct negotiations and in view of this and to facilitate the same the first party has said that it does not wish to press its claims in the present case. Considering all the facts and circumstances I am of opinion that the settlement is fair and reasonable. Hence I accept it and proceed to make an Award as under:—

AWARD

Reference is accepted. An award is made between the parties in terms of the memorandum of settlement Ex. A. which should be annexed to this Award and be deemed as forming part thereof. Parties do bear their own costs.

P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

BEFORE THE HONOURABLE LABOUR COURT, BANGALORE.

Ref. No. 72 of 1965.

The Workmen of Sundekere Estate. ... *I Party.*

Vs.

Management of Sundekere Estate ... *II Party.*

MEMO.

1. The parties above named submit that they have decided to amicably settle the above dispute and also other matters pending between them by direct negotiations.

2. In order to facilitate the same, the First Party submits that they do not wish to press their claims in the above case.

3. In view of this it is humbly prayed that the above reference may kindly be rejected.

Sd/ M. C. Narasimhan.
23-9-67.
for the I Party.

Sd/ John Taylor. 23rd September 67. For the I Party Inter-District Plantation Workers Union, Sakleshpur.

Sd/ K. Ramadas. 23 9-67.
for II Party.

Filed, Recorded and Marked Ex. A.
Intd. P. T. K.
23-9-67

"COPY"

P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

ORDER.

Bangalore, dated 4th October 1967.

S. O. 1985.—WHEREAS by State Government Order No. PLM 500 LLD 64, dated 23rd November 1965, the Industrial Dispute between the Workmen and the Management of M/s. Sundekere Estate, Sakleshpura Post, Hassan District was referred to the Labour Court, Bangalore for adjudication;

AND WHEREAS the Labour Court, has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. PLM 500 LLD 64.]

By Order and in the name of the Governor of Mysore,

1228 G. G. PUROHIT, *Under Secy.*

GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR AND MUNICIPAL ADMINISTRATION DEPARTMENT, (LABOUR)

Labour Dispute :—Industrial Dispute between the workmen and the management of India Tin Industries, (P) Ltd., Old Madras Road, Bangalore-16.

Award of the Additional Tribunal, Bangalore—Published.

Read the following papers :

(i) Letter No. AI. T. No. 512-13/67-68, dated 13th September 1967 from Sri V. C. Ramachandran Presiding Officer, Additional Industrial Tribunal, Bangalore.

BEFORE THE ADDITIONAL INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Dated 12th September 1967.

PRESENT

Sri V. C. Ramachandran, B.A., B.SC., A. R.C.S., Bar-at-Law,
Presiding Officer.

A. I. D. No. 4 of 1966.
I. D. No. 31 of 1964.

The Workmen of India Tin Industries, Private Ltd., Old Madras Road, Bangalore-16. ... *I Party.*

The Management of India Tin Industries, Private Ltd., Old Madras Road, Bangalore-16. ... *II Party.*

APPEARANCES.

For the 1st Party.—Sri M. C. Narasimhan, Advocate, Bangalore.

For the 2nd Party.—Sri S. G. Sunderswamy, Advocate, Bangalore.

REFERENCE

(Goverenment Order No. PLM 375 LLD 63, dated 1st Oct. 1963.)

This is a Reference referred by the Government of Mysore in their Order No. PLM 375 LLD 63, dated 1st Oct. 1963 to the then Additional Industrial Tribunal presided over by Sri K. Gubbaiah for adjudication under Section 10 (1) (d) of the Industrial Disputes Act, 1947. After the abolition of that Tribunal the said Dispute was transferred to the Industrial Tribunal by the Government of Mysore. It was taken on the file of the Industrial Tribunal and numbered as I.D. No. 31 of 1964. Again the said dispute was transferred to the Additional Industrial Tribunal by the Government of Mysore and it was renumbered as A.I.D. No. 4 of 1966 and taken on the file of this Tribunal for adjudication. The points referred for adjudication are (1) whether the employees should be paid bonus at the rate of 35% of their average wages earned during the years 1961-62 and 1962-63 (2) for evolving a Gratuity Scheme of one month's pay including D. A. for every year of service they put in.

2. The claims of the workers for gratuity as well as for bonus for the years 1961-62 and 1962-63 were resisted by the Management on various grounds, firstly that there was no profit made during the years in question and therefore, there was no available surplus during the years which would entitle them for bonus and secondly that the Company is not in a position financially to start the Gratuity Scheme. The Profit and Loss Account during the last few years according to the Management indicate that the industry is neither in a position to pay the bonus claimed by the workmen nor introduce any Gratuity Scheme as envisaged in the Claim Statement.

3. A number of Issues have been framed with regard to liability of the Management to pay the Bonus for the years 1961-62 and 1962-63 and also with regard to the introduction of the Gratuity Scheme. It is, however, unnecessary to go into these Issues because fortunately after the evidence had been closed and before arguments were heard, the Parties had come to a settlement of the disputes. They have filed a Memorandum of Settlement under which it is agreed between them that the introduction of Gratuity Scheme will await the recommendations of the Wage Board constituted by the Central Government for Engineering

Industries. The workmen have received bonus for the years ending 30th June 1965 and 30th June 1966 and have given up their claims for the years 1961-62 and 1962-63. Indeed a perusal of the Balance Sheets for those two years show clearly that there was no available surplus out of which bonus could be paid to the workmen. Taking all these circumstances into consideration, I am of the view that the settlement reached between the Parties during the course of the proceedings before this Tribunal is just fair and reasonable and accepting the Settlement, I pass the following :—

AWARD

The terms of settlement arrived at between the Parties, a copy of which is annexed hereto, will be the Award in the above case. There will be no order as to costs.

V. C. RAMACHANDRAN,
Presiding Officer.
Additional Industrial Tribunal,
Bangalore.

ANNEXURE

BEFORE THE ADDITIONAL INDUSTRIAL TRIBUNAL BANGALORE.

A.I.D. No. 4 of 1966

First party:

Workmen of the India Tin Industries (Private) Ltd.

Vs

Second party:

Management of the India Tin Industries (Private) Ltd.,

The Parties abovenamed submit that they have entered into a settlement of the dispute pending between them including those which from the subject matter of this reference and in A.I.D. 32/66 in the file of this Hon'ble Tribunal. They pray that an award be made in this case as follows:—

(1) The workmen withdraw their claim for bonus for all periods prior to the coming into force of the payment of Bonus Act. So far as the Bonus payable under the Payment of Bonus Act is concerned the same has been paid by the Second Party for the Accounting years ended 30th June 1965 and 30th June 1966.

(2) In regard to the claim for gratuity the same is not pressed by the First Party at this stage. In case the Wage Board constituted by the Central Government for Engineering Industries as per its Resolution No. WB-4 (3)-64 dated 12th December 1964, makes a final recommendation for the introduction of a Gratuity scheme and that is accepted by the Central Government, the Second Party will give effect to such recommendation.

(3) In case the final recommendation of the said Wage Board as accepted by the Central Government does not provide for a Scheme of Gratuity then the First Party will be at liberty to make a demand for it and the II Party will be at liberty to contest it, in which case the matter will have to be dealt with in accordance with the provisions of the Industrial Disputes Act.

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(4) Till such time as the said Wage Board makes its Fina Recommendations and the Central Government passes its orders thereon, the First Party shall not be entitled to raise any dispute in regard to gratuity or any other retirement benefit or in regard to wages, Dearness Allowance or any other matter which is within the scope of the said Wage Board or matters in regard to which any demands have been made by the Workmen (First Party) so far, nor shall they be entitled to make any demands within the period during which the recommendation of the Wage Board remain in force as may be provided therein, regarding matters covered by its recommendations and the award to be made hereon.

(5) Both the Parties confirm that there is no dispute or Demand of any kind outstanding between them as on date in view of the settlement reached in this case and in case No. A.I.D. 32 of 1966.

6) The Parties shall bear their own costs.

For the First Party

Sd/
Treasurer,

For the Second Party

For The India Tin Industries (P) Ltd.,
Sd/.
Managing Director.

India Tin Industries Workers' Union,
Bangalore
Dated : 6-9-1967

Sd/ M. C. Narasimhan,
Counsel for the I Party.

Sd/ S. G. Sunderswamy,
Counsel for the II Party

'True Copy'

Execution admitted before me.

Sd/. V. C. RAMACHANDRAN,
Presiding Officer,
Additional Industrial Tribunal.
6-9-1967

Sd/-
Presiding Officer,
Additional Industrial
Tribunal Baugalore.

ORDER.

Bangalore, dated the 15th September 1967.

S. O. 1986.—WHEREAS by State Government Order No. PLM 375 LLD 63, dated 1st October 1963, the Industrial Dispute between the Workmen and the Management of India Tin Industries, (P) Ltd., Old Madras Road, Bangalore-16. was referred to the Industrial Tribunal, Bangalore for adjudication ;

AND WHEREAS this dispute was transferred to Additional Industrial Tribunal, Bangalore by G.O.No. LMA 595 LLE 66, dated 17th Dec. 1966.

AND WHEREAS the Additional Industrial Tribunal, Bangalore has submitted to the State Government its award in respect of the said Industrial Dispute.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above in the *Mysore Gazette*.

[No. PLM 375 LLD 63.]

By Order and in the name of the Governor of Mysore,

G. G. PUROHIT,
Under Secretary.

AGRICULTURE AND FOREST SECRETARIAT

NOTIFICATION.

Bangalore dated 7th October 1967.

S. O.1987 In exercise of the powers conferred by section 4 of the Madras Forest Act, 1882 (Madras Act V of 1882), as in force in the Madras Area, the Government of Mysore hereby—

(i) declares that it is proposed to constitute the lands in the Puttur Taluk of South Kanara District, the situtions and limits of which are specified in the schedule hereto annexed, as a reserved forest;

(ii) appoints the Forest Settlement Officer Mangalore, to be the Forest Settlement Officer for purpose of clause (c) of the said section; and

(iii) appoints the Divisional Forest Officer, Mangalore Division, Mangalore, to attend on behalf of the Government at the inquiry conducted by the said Forest Settlement Officer.

Under section 14 of the said Act, the Government of Mysore hereby appoints the Deputy Commissioner, of South Kanara District to hear appeals on any orders passed by the Forest Settlement Officer under sections 11, 12, and 13 of the said Act.

SCHEDULE

Name of the District	:	South Kanara.
Name of the Taluk	:	Puttur.
Name of the villages	:	Irde, Panaje and Bettampadi villages.
Survey Field Nos.	:	43/1, 65, 66 and 88 of Irde village, 15/1A, 2/1A, ½, 6/2B and 56/1A1 of Panaje village, 250 of Bettampadi village.
Name of the Block	:	Irde Block.
Extent.	:	319.30

Boundary Description.

North: Starting from the station No. 10, a point situated at the newly constructed cairn No. 10, the demarcation line of the proposed block runs first in the North-East direction to station No. 11, at a distance of 110 links. From there it runs in South-East direction to station No. 12, a distance of 217 links. Again it runs in North-East direction to station No. 13, a distance of 400 links. Thence it runs in Northern direction near 'Jogimoole' to station No. 14, a distance of 313 links. Thence it runs in North-East direction to station No. 15, a distance of 570 links. From there it runs in South-East direction to station No. 16, a distance of 440 links. From there it runs in Southern-direction to station No. 17, a distance of 266 links. Therefrom the line runs in almost south-east direction near 'Darbe' a distance of 670 links to reach the station No. 19, passing through the intermediate station 18. Thence it runs in Southern direction to station No. 20, a distance of 295 links. From there it runs in almost South-East direction a distance of 1185 links to reach the station No. 22, passing through the intermediate station 21. Therefrom it runs in almost North-East direction a distance of 920 links to reach the station No. 25, passing through the intermediate stations 23 and 24. Again it runs in Northern direction to station No. 26, a distance of 450 links. Thence it runs in South-East direction to station No. 27, a distance of 511 links. From there it runs in South-West direction near 'Baleguli' a distance of 665 links to reach the station No. 30, passing through the intermediate stations 28 and 29. From there it runs in Southern direction to station No. 31, a distance of 390 links. Therefrom the line runs in almost South-West direction near 'Katukaje' a distance of 1183 links to reach the station No. 35, passing through the intermediate stations 32 to 24. Thence it runs in almost South-East direction a distance of 1375 links to reach the station No. 38 passing through the intermediate stations 36 and 37. Thence it runs in almost in Southern direction to station No. 39, a distance of 342 links. From there it runs in South-West direction to station No. 40, a distance of 385

links. Again it runs in southern direction to station No. 41, a distance of 260 links. From there it runs in South-West direction to station No. 42, a distance of 300 links. Therefrom the line runs in almost South-East direction near 'Baleguli Byle' a distance of 1239 links to reaeh the statien No. 45, passing through the intermediate stations 43 and 44. From there it runs in North-East direction to station No. 46, a distance of 330 links. Thence the line runs almost in Southern direction a distance of 965 links. to reach the station No. 49, passing through the intermediate stations 47 and 48. From there it runs in Eastren direction to station No. 50, a distance of 405 links. Thence it runs in North-East direction to station No. 51, a distance of 408 links. From there it runs in North-West direction to station No. 52, a distance of 280 links. Again it runs in Northren direction to station No. 53, a distance of 400 links. Thence the line runs in South-East direction a distance of 965 links to reach the station No. 55, passing tl rough the intermediate station 54. Therefrom it runs in almost North-East direction a distance of 835 links to reach the station No. 58, passing through the intermediate stations 56 and 57, From there the line runs in almost North-West direction a distance of 1 140 links to reach the station No. 62 passing through the intermediate stations 59 to 61. Again it runs in almost North-East direction a distance of 380 links to reach the station No. 64, passing through the intermediate station 63, Thence the line runs in almost Northern direction a distance of 1110 links to reach the station No. 67, passing through the intermediate station 65 and 66. From there it runs in North-West direction to station No. 68, a distance of 325 links. Then it runs in Northern direction to station No, 69, a distance of 260 links. Again it runs in North-West direction to station No. 70, a distance of 436 links. From there it runs in almost North-East direction a distance of 772 links to reach the station No. 72, passing through the intermediate station 71. Therefrom the line runs in almost North-West direction a distance of 3138 links to reach the station No. 80, passing through the intermediate stations 73 to 79. From there it runs in almost North-East direction a distance of

895 links to reach the station No. 82, passing through the intermediate station 81. Thence it runs in almost Eastren direction near 'Gandi' distance of 642 links to reach the station No. 85, passing through the intermediate stations 83 and 84. Thence it runs in North-East direction to station No. 86, a distance of 470 links. Therefrom the line runs in almost South-East direction near 'Doomadka' a distance of 1314 links to reach the station No. 90, passing through the intermediate stations 87 to 89. Thence it runs in South-West direction a distance of 906 links to reach the station No. 92, passing through the intermediate station 91. From there it runs in South-East direction to station No. 93, a distance of 215 links. Thence it runs in North-East direction a distance of 575 links to reach the station No. 95, passing through the intermediate station 94. Again it runs in almost South-East direction a distance of 444 links to reach the station No. 97, passing through the intermediate station 96. From there it runs in near 'Chakote' in North-East direction to station No. 98, a distance of 590 links. Again it runs in almost South.East direction a distance of 695 links to reach the station No. 100, passing through the intermediate station 99. Thence the line runs in North-East direction to station No. 101, a distance of 400 links. From there it runs in Northern direction to station No. 102, a distance of 210 links. Thence it runs in almost Eastern direction a distance of 545 links to reach the station No. 104, passing through the intermediate station 103.

Bearing and distances from station to station are as follows :—

Station Numbers		Bearings	Distances.
From	To	in F. B.	in links.
1	2	3	4
10	11	48	110
11	12	123½	217
12	13	65½	400
13	14	351	313
14	15	31	570
15	16	130	440

1	2	3	4
16	17	184½	266
17	18	162	300
18	19	102	370
19	20	182½	295
20	21	163½	455
21	22	151	730
22	23	70½	375
23	24	47	295
24	25	37½	250
25	26	3	450
26	27	118	511
27	28	200	155
28	29	199	140
29	30	205½	370
30	31	178½	390
31	32	227	254
32	33	236½	614
33	34	194	500
34	35	181½	215
35	36	117	325
36	37	129½	415
37	38	100	635
38	39	183½	342
39	40	260	385
40	41	182	260
41	42	208	300
42	43	103½	315
43	44	143½	400
44	45	114	524
45	46	66	330
46	47	184	405
47	48	177	270
48	49	173½	290
49	50	89½	405
50	51	8	408
51	52	315½	280
52	53	1	400
53	54	118½	435
54	55	116	530
55	56	22½	270
56	57	37½	275
57	58	56½	290
58	59	329½	250
59	60	341½	100

1	2	3	4
60	61	345½	370
61	62	350½	420
62	63	37	150
63	64	58	230
64	65	344	335
65	66	356	295
66	67	5½	480
67	68	284½	325
68	69	7	260
69	70	337½	436
70	71	77	387
71	72	35	385
72	73	308	485
73	74	320	590
74	75	292½	345
75	76	321	205
76	77	341	335
77	78	290½	410
78	79	307½	350
79	80	303½	418
80	81	14½	510
81	82	36	385
82	83	82	150
83	84	92½	127
84	85	88½	365
85	86	77	470
86	87	113	400
87	88	132½	354
88	89	105	340
89	90	162½	220
90	91	195	368
91	92	202	538
92	93	155	215
93	94	68	320
94	95	73	255
95	96	162	270
96	97	115½	174
97	98	26	590
98	99	157½	295
99	100	140	400
100	101	20	400
101	102	358	210
102	103	97	190
103	104	102½	355

East:—Thence the demarcation line of the proposed block runs in almost South-West direction a distance of 1940 links to reach the station No. 109, passing through the intermediate stations 105 to 108. From there it runs in Southern direction to station No. 110, a distance of 400 links. Thence it runs in South-East direction to station No. 111, a distance of 275 links. Thence it runs in almost Eastern direction to station No. 112, a distance of 295 links. From there it runs in almost South-East direction a distance of 600 links to reach the station No. 114, passing through the intermediate station 113. From there it runs in almost North-East direction a distance of 740 links to reach the station No. 116, passing through the intermediate station 115. From there it runs in almost Southern direction to station No. 117, a distance of 160 links. Thence it runs in Eastern direction to station No. 118, a distance of 1115 links to reach the station No. 120, passing through the intermediate station 119. Thence it runs in South-East direction to station No. 121, a distance of 435 links. Again it runs in North-East direction to station No. 122, a distance of 330 links. From there, it runs in South-East direction near 'Mudelkady' a distance of 985 links to reach the station No. 124, passing through the intermediate station 123. Again it runs in Eastern direction to station No. 125, a distance of 500 links. Thence it runs in Southern direction a distance of 865 links to reach the station No. 127, passing through the intermediate to station 126. Thence it runs in almost North-West direction a distance of 1220 links to reach the station No. 129, passing through the intermediate station 128. There from the line runs in almost South-West direction near 'Pelathaje' a distance of 1710 links to reach the station No. 132, passing through the intermediate stations 130 and 131. From there it runs in North-West direction a distance of 830 links to reach the station No. 135, passing through the intermediate stations 133 and 134. Thence it runs in South-West direction a distance of 835 links to reach the station No. 137, passing through the intermediate station 136. From there it runs in North-West direction to station No. 138, a distance of 410 links.

Thence it runs in Western direction to station No. 139, a distance of 416 links. Again it runs in North-West direction to station No. 140, a distance of 285 links. Again it runs in South-West direction to station No. 141, distance of 510 links. Thence the line runs in South-East direction near 'Para', a distance of 880 links to reach the station No. 143, passing through the intermediate station 142. From there it runs in South-West direction to station No. 144, a distance of 280 links. Again it runs in South-East direction to station No. 145, a distance of 353 links. Again the line runs in almost South-West direction a distance of 1115 links to reach the station No. 148, passing through the intermediate stations 146 and 147. Again it runs in almost South-East direction near 'Neeraje' a distance of 801 links to reach the station No. 150, passing through the intermediate station 149. From there it runs in almost South-West direction a distance of 655 links to reach the station No. 154, passing through the intermediate station 153. From there it runs in Southern direction near 'Poyya' a distance of 1060 links to reach the station No. 156, passing through the intermediate station 155. Therefrom the line runs in South-East direction near 'Kamunaru', a distance of 1220 links to reach the station No. 159, passing through the intermediate stations 157 and 158.

Bearings and distances from station to station are as follows :—

Station Numbers From	To	Bearings in F. B.	Distances in links
104	105	199	215
105	106	187½	305
106	107	234½	520
107	108	216	460
108	109	206	440
109	110	177½	400
110	111	155½	275
111	112	82	295
112	113	164	200
113	114	151	400

1	2	3	4
114	115	78½	450
115	116	57	290
116	117	168	160
117	118	92	470
118	119	34½	415
119	120	57½	700
120	121	144	435
121	122	36	330
122	123	99	125
123	124	110½	800
124	125	91½	500
125	126	174	530
126	127	178	335
127	128	306	690
128	129	292	530
129	130	266	700
130	131	244	450
131	132	237½	560
132	133	286	180
133	134	281	235
134	135	280½	415
135	136	213½	480
136	137	205½	355
137	138	321½	410
138	139	268	416
139	140	285	285
140	141	224	510
141	142	161	490
142	143	152½	390
143	144	201	280
144	145	151½	353
145	146	197½	455
146	147	252½	250
147	148	235½	410
148	149	153½	445
149	150	161½	356
150	151	247½	190
151	152	198½	405
152	153	155	405
153	154	144½	250
154	155	172	490
155	156	176½	500
156	157	120½	385
157	158	120	345
158	159	128½	490

South.--Thence the demarcation line of the proposed block runs in almost South-West direction a distance of 1070 links to reach the station No. 161, passing through the intermediate station 160. From there it runs in Southern direction to station No. 162 a distance of 358 links. Therefrom the line runs in almost North-West direction near 'Keelampady', a distance of 1207 links to reach the station No. 166, passing through the intermediate stations 163 to 165. Thence it runs in South-West direction to station No. 167, a distance of 355 links. From there it runs in Northern direction to station No. 168, a distance of 378 links. Thence it runs in North-East direction a distance of 463 links to reach the station No. 170, passing through the intermediate station No. 169. From there it runs in almost Eastern direction to station No. 171, a distance of 200 links. Thence it runs in Northern direction to station No. 172, a distance of 340 links. Therefrom it runs in almost North-West direction a distance of 1075 links to reach the station No. 176, passing through the intermediate stations 173 to 175. Thence it runs in almost South-West direction a distance of 766 links to reach the station No. 179, passing through the intermediate stations 177 and 178. From there it runs in North-East direction a distance of 625 links to reach the station No. 181, passing through the intermediate station 180. From there it runs in North-West direction to 182, a distance of 330 links. Thence it runs in Northern direction a distance of 583 links to reach the station No. 184, passing through the intermediate station 183. From there it runs in North-West direction to station No. 185, a distance of 330 links. Therefrom the line runs in almost South-West direction near 'Jalakanda' a distance of 1565 links to reach the station No. 189, passing through the intermediate stations 186 to 188. Again it runs in North-West direction to station No. 190, a distance of 460 links. Thence it runs in North-East direction a distance of 568 links to reach the station No. 192, passing through the intermediate station 191. Again it runs in North-West direction to station No. 193, a distance of 343 links. Thence it runs in South-East direction near 'Bollimbala', a distance of 985 links to reach the station

No. 195, passing through the intermediate station 194. From there it runs in almost Northern direction to station No. 196, a distance of 300 links. Therefrom the line runs in North-East direction a distance of 975 links to reach the station No. 199, passing through the intermediate stations 197 and 198. From there it runs in Northern direction a distance of 510 links to reach the station No. 201, passing through the intermediate station 200. Thence it runs in North-West direction a distance of 635 links to reach the station No. 203, passing through the intermediate station 202. Again it runs in North-West direction a distance of 400 links to reach the station No. 205 passing through the intermediate station 204. Again it runs in North-West direction to station No. 206, a distance of 415 links. From there it runs in South-West direction to station No. 207, a distance of 260 links. Thence it runs in Western direction to station No. 208, a distance of 362 links. Thence it runs in almost North-West direction a distance of 735 links to reach the station No. 210, passing through the intermediate station 209. From there it runs in Northern direction a distance of 595 links to reach the station No. 212, passing through the intermediate station 211. Thence it runs in North-East direction a distance of 490 links to reach the station No. 214, passing through the intermediate station 213. From there it runs in North-West direction a distance of 885 links to reach the station No. 217, passing through the intermediate stations 215 and 216. Thence it runs in Western direction to station No. 218, a distance of 265 links. Therefrom the line runs in almost North-West direction near 'Mundithadka' a distance of 960 links to reach the station No. 221, passing through the intermediate stations 219 and 220. From there it runs in almost South-West direction a distance of 490 links to reach the station No. 223, passing through the intermediate station 222. Again it runs in North-West direction to station No. 224, a distance of 395 links. Again it runs in Western direction to station No. 225, a distance of 325 links. Therefrom the line runs in South-West direction a distance of 840 links to reach the station No. 228, passing through the intermediate stations 226 and 227. Thence it runs in South-East

direction to station No. 229, a distance of 325 links. Again it runs in Southern direction to station No. 230, a distance of 200 links. From there it runs in almost South-East direction a distance of 748 links to reach the station No. 232, passing through the intermediate station 231. Therefrom the line runs in almost South-West direction near 'Kakekochi' a distance of 1840 links to reach the station No. 237, passing through the intermediate stations 233 to 236.

Bearings and distances from station to station are as follows :—

Station Numbers From	To	Bearings in F. B.	Distances in links
159	160	238½	585
160	161	260	485
161	162	174½	358
162	163	308	125
163	164	335	305
164	165	338½	422
165	166	280½	355
166	167	215	355
167	168	353	378
168	169	55	225
169	170	62	238
170	171	101	200
171	172	2	340
172	173	340½	210
173	174	337½	335
174	175	332½	290
175	176	287½	240
176	177	205	296
177	178	244½	200
178	179	244	270
179	180	17½	270
180	181	7½	355
181	182	318½	330
182	183	346	335
183	184	358	248
184	185	302½	330
185	186	189	465
186	187	259½	170
187	188	255½	355
188	189	220	575

1	2	3	4
189	190	330	460
190	191	23½	238
191	192	20½	330
192	193	321½	343
193	194	256	385
194	195	259	600
195	196	346	300
196	197	51½	360
197	198	55½	310
198	199	53	305
199	200	359	250
200	201	360	260
201	202	295	235
202	203	294	400
203	204	6½	200
204	205	3	200
205	206	322½	415
206	207	241	260
207	208	260½	362
208	209	295	265
209	210	335	470
210	211	11	225
211	212	358	370
212	213	34½	275
213	214	17	215
214	215	319	370
215	216	309½	280
216	217	317	235
217	218	260½	265
218	219	283	285
219	220	306½	315
220	221	302½	360
221	222	198	305
222	223	235	185
223	224	318	395
224	225	275½	325
225	226	222½	350
226	227	211½	210
227	228	197	280
228	229	125½	325
229	230	173½	200
230	231	145½	470
231	232	162½	278
232	233	216½	285
233	234	204½	175
234	235	197½	280
235	236	242	625
236	237	233	475

West :—Thence the demarcation line runs in North-West direction a distance of 728 links to reach the station No. 239, passing through the intermediate station 238. From there it runs in almost North-East direction a distance of 3895 links to reach the station No. 3, passing through the intermediate stations 240 to 2. From there it runs in almost South-East direction a distance of 658 links to reach the station No. 5, passing through the intermediate station 4. Again it runs in Eastern direction to station No 6, a distance of 500 links. Thereform the line runs in almost Northern direction a distance of 884 links to reach station No. 9, passing through the intermediate stations 7 and 8. From there it runs finally in North-West direction a distance of 272 links to reach the station No. 10, which is the starting point.

Bearings and distances from station to station are as follows —

Station Numbers From	To	Bearings in F. B.	Distances in Links
237	238	290	340
238	239	302½	388
239	240	6½	250
240	241	13½	350
241	242	16½	432
242	243	12½	268
243	244	64	220
244	245	57½	265
245	246	82	325
246	247	7	212
247	248	6	557
248	1	13½	426
1	2	2	233
2	3	11	357
3	4	95½	195
4	5	118	463
5	6	89	500
6	7	359	273
7	8	11	248
8	9	1	363
9	10	334½	272
		—Starting point.	

Right of ways

(i) A panchayat road from 'Doomadka' enters the block between cairn Nos. 4 and 5 and comes out between cairn Nos. 217 and 218 and goes to 'Santiar'.

(ii) A foot path from 'Darbe' enters the block between cairn Nos. 21 and 22 and gets bifurcated in the middle. One of which comes out between cairn Nos. 207 and 208 and goes to 'Kakekochi'. Another foot path also comes out between cairn Nos. 207 and 208 but this re-enters the block between cairn Nos 210 and 211 and joins the panchayat road which goes to 'Mundithadka', after coming out between cairn Nos. 217 and 218 of the block.

(iii) Another foot path from 'Baleguli' enters the block between cairn Nos. 44 and 45 which gets bifurcated in the middle of the block. One of which comes out between cairn Nos. 184 and 185 and goes to 'Arlapadavu'. Another comes out between cairn No. 194 and 195, which again re-enters the block between cairn Nos. 191 and 192 and comes out between cairn Nos. 189 and 190 and goes to 'Bellimbala'.

(iv) One more foot path from 'Baleguli byle' enters the block between cairn Nos. 69 and 70 and comes out between cairn Nos. 105 and 106 and goes to 'Madaka-mundaje'.

(v) Another panchayat road from 'Golipadavu' enters the block between cairn Nos. 116 and 117 and which comes out between the same cairn Nos. only to re-enter the block between cairn Nos. 115 and 116 and to come out between cairn Nos. 136 and 137. This again enters the block between cairn Nos. 137 and 138 and comes out between cairn Nos. 138 and 139 and goes to 'Para'.

(vi) Another panchayat road from 'Baleguli' enters the block between cairn Nos. 60 and 61, comes out between cairn Nos. 160 and 161 and goes to Santiar. But cart road starts from this panchayat road inside the block and comes out between cairn No. 146 and 147 and goes to 'Neeraje'.

Another branch of road also starts inside the block from this panchayat road which comes out between cairn Nos. 152 and 153 and goes to 'Poyya'.

(vii) One more foot path enters the block between cairn Nos. 56 and 57 and joins the panchayat road which comes out cairn Nos. 160 and 161 and goes to Santiar.

Water Rights

Separate statement in this connection has been enclosed.

Other Privileges

(*a*) Free grazing of cattle by villagers.

(*b*) Free removal of green manure leaves for *bona fide* use by ryots.

(*c*) Free removal of dry fuel for *bona fide* use by villagers.

[No. AFD 192 FAF 66.]

By Order and in the name of the Governor of Mysore,

j239 M. A. MECCAI, *Under Secy.*

Commerce and Industries Secretariat

NOTIFICATION.

Bangalore, dated 9th October 1967.

S. O. 1988.—In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957, and after obtaining the approval of the Government of India, accorded under sub-section (2) of Section 5 of the said Act the Government of Mysore are pleased to sanction, the grant to Messrs. Chowgule & Co., (P) Ltd., Goa, of a Mining Lease for twenty years for Iron ore in respect of the area of 300 acres (121-45 hectares) of land in Illiyadabe village, Supa Taluk, North Kanara District, as per sketch furnished by the Director of Mines and Geology, Bangalore.

2. The grant of the above lease is subject to the terms and conditions mentioned below :—

(*a*) Mining Lease should be in respect of Iron ore only. If other minerals are found in association with Iron ore they should be brought to the notice of Government and if the lessee desires to mine these minerals along with Iron ore he should do so only after the consent of Government is obtained in writing.

(*b*) Royalty at the rates prescribed in the second schedule to the Mines and Minerals (Regulation and Development) Act, 1957, or the dead rent at the rate of Rs. 12–50 per hectare per annum, whichever is greater, shall be charged provided that dead rent shall not be payable for the first year of the lease.

(*c*) Surface rent at the rate of Rs. 2–50 per hectare per annum on the actual area used by the lessee for mining purposes shall be charged.

(*d*) If beryl or any other "Substance Prescribed" under Section 3 of the Atomic Energy Act No. XXIX of 1948 is found to occur in the property under the lease, the lessee shall make available such mineral to the Government of India.

(*e*) The lease shall be subject to the provisions of Rules in Chapter IV of the Mineral Concession Rules, 1960.

(*f*) The lease shall also be subject to the rules issued under Section 18 of the Mines and Minerals (Regulation and Development) Act, 1957.

(*g*) The lessee shall pay to the Director of Mines and Geology in Mysore, Bangalore, necessary security deposit for due observance of the terms and conditions of the lease in accordance with Rule 32 of the Mineral Concession Rules, 1960, before the lease is issued to him.

(*h*) The lessee shall submit confidentially from time to time or when required progress reports to the Director of Mines and Geology along with analysis and representative samples of the ores collected during the mining operations.

(*i*) The lease shall be governed by all conditions that may be incorporated in the lease deed to be executed.

(*j*) The lessee shall abide by the Rules contained in the Mysore State Forest Manual, if the leased area covers any forest lands.

(*k*) The total area held by the lessee under Mining Leases including the present one shall not exceed 25.9 Sq. Kilometres.

(*l*) Government shall have the right of purchasing the ore at current market rates.

(*m*) The Lease would be determined if the lessee fails to commence effective mining operations within one year from the date of execution of Lease Deed.

(*n*) The area mentioned above is subject to verification after actual survey.

[No. CI 91 EMI 67.]

By Order and in the name of the Governor of Mysore,

1261 N. NARAYANASWAMY, *Under Secy.*

Food, Civil Supplies and Labour Secretariat

ORDER.

Bangalore, dated 6th October 1967.

S. O. 1939—Whereas the Government of Mysore are of opinion that an Industrial Dispute exists between the Workmen and the Management of Bangalore Woollen, Cotton and Silk Mills Company Limited, Bangalore on the points noted below ;

And whereas the Government of Mysore consider it desirable to refer the dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Labour Court at Bangalore.

Points of Dispute

"Is the management of the Bangalore Woollen Cotton and Silk Mills Co. Limited, justified in terminating the services of Sri Venkataramana S/o Muniyallappa with effect from 8th August 1966 ?

If not, is the affected workman entitled to reinstatement with back wages from the date of his termination or any other relief ?

[No. FCL 626 LLD 67.]

By Order and in the name of the Governor of Mysore,

1225 G. G. Purohit, *Under Secretary.*

ORDER.

Bangalore, dated 6th October 1967.

S. O. 1990.—WHEREAS the Government of Mysore are of opinion that an Industrial Dispute exists between the Workmen and the Management of Mysore Commercial Union, Yeswanthapur, Bangalore-3 on the points noted below:

AND WHEREAS the Government of Mysore consider it desirable to refer the dispute for adjudication;

NOW, THEREFORE, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Labour Court at Bangalore.

Points of Dispute.

"Is the Management of Mysore Commercial Union, Yeswanthapur, Bangalore-22, justified in terminating the services of Sri Beer Bahadur, Watchman, with effect from 15th January 1966?

If not, is the workman entitled to reinstatement with continuity of service and back wages and/or to any other relief?"

[No. FCL 653 LLD 67.]

By Order and in the name of the Governor of Mysore,

1230 G. G. PUROHIT, *Under Secy.*

NOTIFICATION

Bangalore, dated 10th October 1967.

S.O. 1991.—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 3 and sub-section (2) of Section 5 of the Minimum Wages Act, 1948 (Central Act 11 of 1948) the Government of Mysore hereby revises with effect from 1st November 1967 the minimum rates of wages for the classes of employment in any Cashewnut Industry specified in column (1) of the Schedule as indicated in the corresponding entries in column (2) thereof :—

SCHEDULE

Classes of Employment	All inclusive Minimum rate of wages
(1)	(2)
	Rs. P.
I. Piece Rates—	
1 Shellers	0 15 (per ½ Kg. of shelled whole kernels delivered at the weighing machine).
2 Shellers (Machine) ...	0 15 Do
3 Peelers ...	0 15 (per ½ Kg. of Peeled kernels delivered at the weighing machine).
4 Peeling pieces	0 07 Do
II. Time Rates—(For adults)	
1 Graders ...	2 00 per day.
2 Roasters ...	3 40
3 Tinkers ...	4 25
4 Stencillers, Packers ...	3 40
5 Bag Carriers, Oil Bath Roasters Dryers, Yard Workers ...	3 40

1	2
III Watchmen, Peons, Office Boys, Attenders.	3 00 per day
IV. Office Staff— Clerks, Typists, Cashiers, Store-keepers.	120 00 per month

[No. FCL 108 LMW 66.

By Order and in the name of the Governor of Mysore,

1254 R. ANANDAKRISHNA, *Secy.*

ORDER.

Bangalore, dated 16th October 1967.

S.O. 1992.—WHEREAS the Government of Mysore are of opinion that an Industrial Dispute exists between the Workmen and the Management of Kotemotte Estate, Ponnampet Post Coorg District, on the points below ;

AND WHEREAS the Government of Mysore consider it desirable to refer the dispute for adjudication ;

NOW, THEREFORE, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Labour Court at Bangalore.

Points of Dispute.

"Whether the management of Kotemotte, Estate, belonging to Sri C. K. Poovappa, Ponnampet Post, Coorg District, is justified in dismissing Sri Venkatesh Gownder from Service with effect from 9th January 1967 ? If not is the workmen entitled to reinstatement with back wages and continuity of service, or to any other relief, if any. ?"

[No. FCL 678 LLD 67]

By Order and in the name of the Governor of Mysore,

1263 G. G. PUROHIT, *Under Secy.*

ORDER.

Bangaloro, dated the 16th October 1967.

S. O. 1993.—WHEREAS the Government of Mysore are of opinion that an Industrial Dispute exists between the Workmen and the Management of Mane Hanumantha Rao & Sons (Bhavani Saw Mills) 5, Cottonpet, Bangalore-2, on the points noted below;

AND WHEREAS the Government of Mysore consider it desirable to refer the dispute for adjudication ;

NOW, THEREFORE, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Labour Court at Bangalore.

Points of Dispute

"Are the workers of M/s. Mane Hanumantha Rao Sons (Bhavani Saw Mills), 5, Cottonpet, Bangalore-2, entitled to the following demands or to any other relief ?

1. The Management shall immediately pay the bonus for the year 1964-65 and 1965-66 as per the Payment of Bonus Act.

2. The workmen demand that the usual increments ranging from 2 annas to 8 annas due to be paid in June of this year which has not been so far paid to workers be granted with retrospective effect.

3. The workmen demand the restoration of the free supply of scrap wood to workers which has been stopped after the workers joined the Union.

4. Since there has been no increase made in the rates of wages for the piece-rated employees which were fixed about 10 years back, the wage rates of piece-rated employees be enhanced by 50 per cent, on each article.

5. As there has been a steep rise in the prices of essential commodities and as there is no system of paying D.A. to neutralise the rise in the cost of living, the workmen demand that Dearness Allowance shall be paid to all employees including the piece-rated carpenters at a flat rate of Rupees Forty (Rs. 40) per month.

6. As the undermentioned time-rated and piece-rated employees have put in long years of service ranging from 1 to 15 years, they shall be immediately confirmed in their jobs and made permanent.

Name	*Designation*	*Length of Service*
PLANNING SECTION		
1. Srinivasa	Machine Operator	7 years
2. Giriyappa	Wood Turner	6 years
3. Dodda	Helper	1½ ,,
4. Mahadeva	Helper	1½ ,,
POLISHING SECTION		
5. Syed Ghouse	Polisher	3½ years
6. Venkatagowda	,,	3 ,,
AUTOMATIC BANDSAW		
7. Govinda	Operator	6 years
CARPENTERS ON PIECE-RATE WAGES		
8. Balachari		8 years
9. Govindachari		12 ,,
10. Sadanandam		10 ,,
11. Venkataiah		15 ,,
12. Thammaiah		10 ,,
13. Rama		10 ,,
14. Sowriraju		5 ,,
15. A. S. Jagannath		3 ,,
16. Bacappa		5 ,,
17. Ananthe		5 ,,

[No. FCL 590 LLD 67.]

By Order and in the name of the Governor of Mysore,

1265 G. G. PUROHIT, *Under Secy.*

ORDER.

Bangalore, dated 16th October 1967.

S. O. 1994.—WHEREAS the Government of Mysore are of opinion that an Industrial Dispute exists between the Workmen and the Management of M/s. J & L Industries, Mathikere Village, Near Railway Cross, H.M.T. Main Road, Bangalore-22 on the points noted below;

NOW, THEREFORE, in exercise of the powers conferred by clause (*d*) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Additional Industrial Tribunal at Bangalore.

Points of Dispute

"I. Are the workmen of J & L Industries, Mathikere Village, near Railway Cross, H.M.T. Main Road, Bangalore-22, justified in demanding the following?

1. Bonus for the year 1965-66 under the payment of Bonus Act.
2. A Dearness Allowance at a flat rate of Rs. 30 (Rupees thirty only) per month to all the workers.
3. Two sets of Uniforms to all workers per year.

If not, what reliefs if any the workmen are entitled to?"

[No. FCL 595 LLD 67.]

By Order and in the name of the Governor of Mysore,

1266 G. G. PUROHIT, *Under Secy.*

FINANCE SECRETARIAT.

NOTIFICATION.

Bangalore, dated 7th October 1967.

S.O. 1995.—In exercise of the powers conferred by sub-section (1) of section 11 of the Central Sales Tax Act, 1956 (Central Act No. 74 of 1956), and in supersession of Notification No. RD 6 CCX 59, dated 10th March 1959 and Notification No. RD 6 CCX 59, dated 28th September 1960, the Government of Mysore hereby specifies the officers mentioned in column (2) of the table below for the purpose of said sub-section within the areas specified in corresponding entries in column (3) thereof.—

TABLE

Sl. No.	Name of officers with Headquarters	Areas
(1)	(2)	(3)
1	Commissioner of Commercial Taxes, Mysore State, Bangalore.	Whole of the State of Mysore.
2	Deputy Commissioner of Commercial Taxes, Bangalore City Division, Bangalore.	Area within the limits of of Bangalore City Corporation.
3	Deputy Commissioner of Commercial Taxes, Bangalore Division, Bangalore.	Bangalore District excluding the area within the limits of Bangalore City Corporation. Kolar District, Tumkur District and Chitradurga District.
4	Deputy Commissioner of Commercial Taxes, Gulbarga Division, Bellary.	Bellary Dist, Raichur Dist. Gulbarga Dist., and Bidar District.

(1)	(2)	(3)
5	Deputy Commissioner of Commercial Taxes, Belgaum Divn. I, Dharwar.	Dharwar District and North Kanara District.
6	Deputy Commissioner of Commercial Taxes, Belgaum Divn. II, Belgaum.	Belgaum District and Bijapur District.
7	Deputy Commissioner of Commercial Taxes, Mysore Division, Mysore.	Mysore District, Mandya District, Hassan District, Chickmagalur District and Shimoga District.
8	Deputy Commissioner of Commercial Taxes, Mangalore Divn., Mangalore.	South Kanara District and Coorg District.

[No. FD 434 CSE 67]

By Order and in the name of the Governor of Mysore

SYED GULAM KHAJA,
Under Secretary to Government,
Finance Department.

1253

HOME SECRETARIAT

NOTIFICATION.

Bangalore, dated the 5th October 1967.

S. O. 1996.—In exercise of the powers conferred by rule 316 of the Mysore Motor Vehicles Rules, 1963, the Government of Mysore, (i) being of the opinion that it is necessary in the public interest so to do hereby exempts the following four motor vehicles with left hand drive, belonging to the Special Officer, II T.R.R. Scheme Mundgod, Belgaum from the provisions of sub-rule (1) of rule 246 read with sub-rule (1) of Rule 220 of the said Rules; and (ii) being satisfied that the said vehicles which are having overhang exceeding 45 per cent but not exceeding 51.9 per cent of the wheel base can be used in public place without any danger to public safety, hereby exempts the said vehicles from the provisions of sub-rule (2) of Rule 203 of the said Rules for the purpose of plying them in the State.

Description of the Vehicles.

	Make of the vehicle	*Chassis No.*	*Overhang*
1	Borrioros, Spain. (Goods Vehicle)	395706	51·9 per cent
2	do do	395833	do
3	do do	395836	do
4	do do	395807	do

[No. HD 183 TMA 67.]

By Order and in the name of the Governor of Mysore,

1223 C. RAJANNA, *Under Secy.*

NOTIFICATION.

Bangalore, dated 16th October 1967.

S. O. 1997.—In exercise of the powers conferred by sub-section (2) of Section 92 of the Mysore Police Act, 1963 (Mysore Act No. 4 of 1964), the Government of Mysore, hereby extends the provisions of Clauses (*a*), (*c*), (*e*), (*f*), (*g*), (*i*), (*j*), (*k*), (*o*), (*p*), (*t*), and (*u*), of sub-section (1) of the said section to the local area comprised within the limits of Subramanya Village in Sullia Taluk of South Kanara District, for the period commencing from 17th November 1967 to 8th December 1967 (both days inclusive).

[No. HD 490 PCC 67.]

By Order and in the name of the Governor of Mysore,

1268 C. R. SUBBA RAO, *Under Secy.*

NOTIFICATION.

Bangalore, dated 16th October 1967.

S. O. 1998.—In exercise of the powers conferred by sub-section (2) of Section 3 of the Mysore Home Guards Act, 1962 (Mysore Act 35 of 1962), the Government of Mysore appoints Shri L. B. Neelakantaiah, Proprietor, Shri Amrutheswara Band Saw Mills, Chitradurga, as Commandant, Home, Guards, with the jurisdiction over Chitradurga District, for a further period from 31st October 1967 to 31st March 1968.

[No. HD 154 SHG 67.]

By Order and in the name of the Governor of Mysore,

1267 G. S. TELANG, *Under Secretary.*

Health and Municipal Administration Secretariat

CORRIGENDUM.

Bangalore, dated the 17th October 1967.

S. O. 1999.—For the date of Proclamation "dated 12th April 1966" published in the *Mysore Gazette* dated 1st June 1967 at pages 2147 and 2148 and also as S. O. No. 926 dated 3rd June 1967 please substitute "dated 12th April 1967."

[No. LMA 3 TBL 66.]

By Order and in the name of the Governor of Mysore,

1278 K. Abdul Rahim Khan, *Under Secy.*

Food, Civil Supplies and Labour Secretariat

ORDER.

Bangalore, dated 17th October 1967.

S. O. 2000.—Whereas the Government of Mysore are of opinion that an Industrial dispute exists between the Workmen and the Management of Kullappa Spinning Mills, Chitradurga (Mysore State) on the points noted below ;

And whereas the Government of Mysore consider it desirable to refer the dispute for adjudication :

Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Labour Court at Hubli.

Points of Dispute.

"Is the Management of Kullappa Spinning Mills, Chitradurga, justified in terminating the services of the following workers ? If not, are the workers entitled to reinstatement with back wages and continuity of service or to any other relief ?"

Sriyuths :

1. H. Basha Sab, T.No. 112
2. Bheema Reddy, T. No. 133
3. Gangadharappa, T. No. 152
4. Abdul Lathif, T. No. 86
5. Rangappa, T. No. 142
6. Kareem Sab, T. No. 180
7. Hanumanthappa, T. No. 50
8. Abdul Rauf, T. No. 384

[No. FCL 417 LLD 67.]

By Order and in the name of the Governor of Mysore,

1272 G. G. Purohit, *Under Secy.*

COMMERCE AND INDUSTRIES SECRETARIAT

NOTIFICATION.

Bangalore, dated 10th October 1967.

S. O. 2001.—In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957 and after obtaining the approval of the Government of India, accorded under sub-section (2) of Section 5 of the said Act and as directed by the Government of India under Rule 55 of Mineral Concession Rules 1960, the Government of Mysore are pleased to sanction the grant to Messrs. Shamalsha Girdhari Company, of a Mining Lease for twenty years for Manganese in respect of the area of 25 acres (10.11 hectares) of land in Sulvali Village, Supa Taluk, North Kanara District, as per sketch furnished by the Director of Mines and Geology, Bangalore.

2. The grant of the above lease is subject to the terms and conditions mentioned below :—

(a) Mining Lease should be in respect of Manganese ore only. If other minerals are found in association with Manganese Ore they should be brought to the notice of Government and if the lessee desires to mine these minerals along with Manganese ore he should do so only after the consent of Government is obtained in writing.

(b) Royalty at the rates prescribed in the second schedule to the Mines and Minerals (Regulation and Development) Act, 1957, or the dead rent at the rate of Rs. 12-50 per hectare per annum, whichever is greater, shall be charged, provided that dead rent shall not be payable for the first year of the lease.

(c) Surface rent at the rate of Rs. 2-50 per hectare per annum on the actual area used by the lessee for mining purposes shall be charged.

(d) If beryl or any other "Substance Prescribed" under Section 3 of the Atomic Energy Act, No. XXIX of 1948 is found to occur in the property under the lease, the lessee shall make available such mineral to the Government of India.

(e) The lease shall be subject to the provisions of Rules in Chapter IV of the Mineral Concession Rules, 1960.

(f) The lease shall also be subject to the rules issued under Section 18 of the Mines and Minerals (Regulation and Development) Act, 1957.

(g) The lessee shall pay to the Director of Mines and Geology in Mysore, Bangalore, necessary security deposit for due observance of the terms and conditions of the lease in accordance with Rule 32 of the Mineral Concession Rules, 1960, before the lease is issued to him.

(h) The lessee shall submit confidentially from time to time or when required progress reports to the Director of Mines and Geology along with analysis and representative samples of the Ores collected during the Mining operations.

(i) The lease shall be governed by all conditions that may be incorporated in the lease deed to be executed.

(j) The lessee shall abide by the Rules contained in the Mysore State Forest Manual, if the leased area covers any forest lands.

(k) The total area held by the lessee under mining leases including the present one shall not exceed 25.9 Sq Kilometers.

(l) Government shall have the right of purchasing the Ore at current market rates.

(m) The lease would be determined if the lessee fails to commence effective mining operations within one year from the date of execution of Lease Deed.

(n) The area mentioned above is subject to verification after actual survey ; and

(o) That the lessee shall have no claim for compensation if the area gets submerged in the Kalinadi Hydro Electric Project or the Supa Dam.

[No. CI 104 EMI 66.]

By Order and in the name of the Governor of Mysore,

1262 N. NARAYANASWAMY, *Under Secy.*

Education Secretariat.

NOTIFICATION.

Bangalore, dated 16th—18th October 1967.

S. O. 2002.—In exercise of the powers conferred under sub-section (3) of Section 44-A of the Mysore University (Amendment) Act 1957, the Government of Mysore are pleased to sanction continuation of affiliation of National Institute of Engineering, Mysore to the Mysore University to run the B. E. Degree course final year class--Civil, Mechanical and Electrical branches in the ratio of 40: 40: 40 with a maximum intake of 120 students to the 1st year for the year 1967-68 subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 42 UAC 67].

By Order and in the name of the Governor of Mysore,

1279 S. N. Sreenath, *Under Secy.*

NOTIFICATION

Bangalore, dated 11th —18th October 1967.

S. O. 2003.—In exercise of the powers conferred under sub-section (3) of Section 44-A of the Mysore University (Amendment) Act 1957, the Government of Mysore are pleased to sanction continuation of affiliation of the Lalbahadur College of Arts, Science and Commerce, Sagar to the Mysore University, for teaching the following courses :—

(i) B. A. Degree (First Year).—

Economics, Sociology(Majors), Philosophy (Minor).
English, Kannada (Majors), History (Minor).
Economics, History (Majors), Sociology (Minor).

(ii) B. A. Degree (II and III Years).

Sociology, Economics (Majors), Philosophy (Minor).

(iii) Pre-University Course: Commerce–History, Economics, Commerce.

(iv) B. Com. Degree (I and II Years).

(v) Pre-University Course Science—

Physics, Chemistry, Mathematics (2 sections of 64 students).
Physics, Chemistry, Biology (2 sections of 64 students).

(vi) B.Sc. Degree (All the three years):

Physics, Mathematics (Majors), Chemistry (Minor) 36 students,

Botany, Zoology (Majors), Chemistry, (Minor) 36 students.

for a period of one year from June 1967 subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 81 UAC 67.]

By Order and in the name of the Governor of Mysore,

1280 S. N. SREENATH, *Under Secy.*

NOTIFICATION.

Bangalore, dated the 15th-18th October 1967.

S. O. 2004.—In exercise of the powers conferred under sub-section (3) of Section 44-A of the Mysore University (Amendment) Act 1967, the Government of Mysore are pleased to sanction continuation of affiliation of the Shri Mahaveera College, Moodbidri to the Mysore University for teaching the following courses for the period noted against each :—

(i) Pre-University Course (Arts) for 3 years from 1967-68 :—

History, Economics, Political Science.

(ii) Pre-University Course (Commerce) for 1967-68, History, Economics, Commerce.—

(iii) Pre-University Course (Science) for 1967-68.—

Physics, Chemistry, Mathematics } One Section of 72
Physics, Chemistry, Biology } students each.

(iv) B.A., Degree (1st Year) for 1967-68.

Economics, History, (Majors), Political Science (Minor).—

Economics, History, (Majors) Sociology (Minor).

(v) B. Com. Degree (1st year) for 1967-68.

(vi) B. Sc., Degree (1st Year) for 1967-68.—

Physics, Chemistry (Majors), Mathematiecs (Minor) 36 students.—

Botany, Zoology (Majors), Chemistry (Minor) 36 students.

and extension of affiliation for the following courses for the year 1967-68:—

(i) B. A. Degree (2nd Year) :

Economics, Histry (Majors), Sociology (Minor).

(ii) B. Com. Degree (2nd Year).

(iii) B. Sc., Degree (2nd Year).—

Physics, Chemistry (Majors), Mathematics (Minor) 36 students.

Botany, Zoology (Majors), Chemistry (Minor) 36 students.

subject to the conditions laid down by the Local Inquiry Committee.

[No ED 96 UAC 67.]

By Order and in the name of the Governor of Mysore,

1288 S. N. SREENATH, *Under Secy.*

Education Secretariat.

NOTIFICATION

Bangalore, dated 15—18th October 1967

S.O. 2005.—In exercise of the powers conferred under sub-section (3) of Section 44-A of the Mysore University (Amendment) Act, 1957, the Government of Mysore are pleased to sanction permanent affiliation of the Government College, Mangalore to the Mysore University to run the Pre-University Course in Commerce with History, Economics and Commerce and Geography, Economics and Commerce combination with effect from 1967-68 and temporary affiliation to teach the following courses for the period noted against each :—

(i) Pre-University Course (Arts) for the year 1966-67 and a further period of three years from 1967-68 History, Economics and Geography (64 students)

(ii) Pre-University Course (Commerce) for 1967-68 Mathematics, Economics, Commerce.

(iii) B. Com Degree Course (All the three years for 1967-68

subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 78 UAC 67.]

By Order and in the name of the Governor of Mysore,

1281 S. N. Sreenath, *Under Secretary.*

REVENUE SECRETARIAT.

CORRIGENDUM.

Bangalore, dated 11th October 1967.

S. O. 2006.—In Government Notification of even number dated 27th July, 1967 for the WORDS and FIGURES "Notification No. 17/B1/31/7/51, dated the 9th April, 1963," the words and figures "Notification No. 17/B1/31/7/51 dated 9th April, 1953," shall be substituted.

[No. RD 143 ERG 66.]

By Order and in the name of the Governor of Mysore,

1270 V. NANJIAH, *Under Secy.*

Home Secretariat

NOTIFICATION.

Bangalore dated 16th October 1967.

S. O. 2007.—In exercise of the powers conferred by Section 3 of the Mysore Excise Act, 1965 (Mysore Act No. 21 of 1966), the Government of Mysore hereby appoints the Prohibition Commissioner in Mysore, Bangalore as the Excise Commissioner in Mysore, Bangalore.

[No. HD 54 EFL 67.]

By Order and in the name of the Governor of Mysore,

1271 N. Lakshman Rau, *Secretary.*

Food, Civil Supplies and Labour Secretariat

ORDER.

Bangaloro, dated 16th October 1967.

S. O. 2008.—Whereas the Government of Mysore are of opinion that an Industrial Dispute exists between the workmen and the management of Hindustan Machine Tools Ltd, Watch Factory H. M. T. P. O., Bangalore-31, on the points noted below ;

And whereas the Government of Mysore consider it desirable to refer the dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by clause (*c*) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore, hereby refer the said dispute for adjudication to the Labour Court at Bangalore.

Points of Dispute.

"Is the Management of H. M. T. Watch Factory, Bangalore-31, justified in terminating the services of Smt. S. Sharada, Ticket No. 11807, Production Department, Assembly Section of the Watch Factory with effect from 26th May 1965 ?

If not, what relief the workman is entitled to ?"

[No. FCL 318 LLD 67.]

By Order and in the name of the Governor of Mysore,

1264 G. G. Purohit, *Under Secy.*

Food, Civil Supplies and Labour Secretariat

ORDER

Bangalore, dated the 17th October, 1967.

S. O. 2009.—Whereas the Government of Mysore are of opinion that an Industrial Dispute exists between the Workmen and the Management of M/s. Pompei Rosario Weaving Establishment, Bendoorwell, Mangalore on the points noted below;

And whereas the Government of Mysore consider it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (*d*) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Industrial Tribunal, at Bangalore.

Points of Dispute.

"Is the Management of M/s. Pompei Rosario Weaving Establishment, Bendoor Well, Mangalore-2 justified in not granting Bonus to their Employees for the years 1964 and 1965 at 12½ per cent of the Gross earnings for each year as claimed by the Union;

If not, to what quantum of bonus are the workers entitled to for the above said two years"?

[No. FCL 622 LLD 67.]

By Order and in the name of the Governor of Mysore,

1274 G. G. Purohit, *Under Secy.*

Education Secretariat

NOTIFICATION

Bangalore, dated 15–18th October 1967.

S. O. 2010.—In exercise of the powers conferred under sub-section (3) of Section 32 of the Karnatak University Act, 1949 (Bombay XX of 1949), the Government of Mysore are pleased to sanction continuation of affiliation of the Government College of Education, Jamkhandi to the Karnatak University for teaching the B. Ed. courses for a period of three years from June 1967 subject to the conditions laid down by the Karnatak University.

(No. ED 101 UAC 67.)

By Order and in the name of the Governor of Mysore,

1285 S. N. Sreenath, *Under Secy.*

NOTIFICATION.

Bangalore, dated 15—18th October 1957.

S. O. 2011.—In exercise of the powers conferred under sub-section (3) of Section 44-A of the Mysore University (Amendment) Act, 1957, the Government of Mysore are pleased to sanction continuation of affiliation of the Kasturba Medical College, Manipal to the Mysore University, for teaching the following courses for the period noted against each:—

(i) Pre Professional Course in Medicine with an intake of 100 students.	For two years from 1967-68 (*i. e.* 1967-68 and 1968-69)
(ii) Second and Third M. B. B. S. according to Karnatak University Scheme.	
(iii) Condensed M. B. B. S. Course with an intake of 30 students	
(iv) First year B. D. S. course with an intake of 30 students.	
(v) I and II years of the B. Pharma Course with an intake of 30 students.	For 1967-68

and extension of affiliation for teaching the following courses.—

(i) II year of the B. D. S. course for 1967-68.

(ii) II M. B. B. S. course (Accerding to Mysore University Scheme for two years *i. e.*, 1967-68 and 1968-69.)

(iii) III year of the B. Pharma Course for 1967 68.

subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 71 UAC 67.]

By Order and in the name of the Govrenor of Mysore,

1236 S. N. SREENATH, *Under Secy.*

FINANCE SECRETARIAT

CORRIGENDUM

Bangalore, dated 17th October 1967.

S. O. 2012.—In Government Order No. FD 270 CSE 67, dated 25th August 1967, the figure "VII" in para 1 and the Figure "VII" in para 2 may be substituted for the figure "VIII" in para 1 and the figure "III" in para 2, respectively.

[No. FD 270 CSE 67.]

By Order and in the name of the Governor of Mysore,

1323 SYED GULAM KHAJA, *Under Secy.*

Education Secretariat.

NOTIFICATION.

Bangalore, dated 16th October 1967.

S. O. 2013.—In exercise of the powers conferred under sub-section (3) of Section 32 of the Karnatak University Act, 1949 (Bombay XX of 1949) the Government of Mysore are pleased to sanction continuation of affiliation of the Shri Kadasiddheshwar Arts and H. S. Kotambri Science Institute, Hubli to the Karnatak University, for teaching the following courses :—

(i) Pre-University Arts and Science

(ii) B. A., Part I.

(iii) B. A., Parts II and III with

Major Kannada, English, Economics, History and Political Science

Minor Kannada, English, Economics, Political Science, Psychology, Sociology, Urdu, Marathi, Persian and Sanskrit

and extension of affiliation for teaching

(i) B Sc., Part I

(ii) B. A., Parts II and III with

Minor History

for a period of three years from June 1967 subject the conditions laid down by the Karnatak University.

[No. ED 93 UAC 67.]

By Order and in the name of the Governor of Mysore,

1287 S. N. Sreenath, *Under Secy.*

HOME SECRETARIAT.

NOTIFICATION.

Bangalore, dated 11th October 1967.

S.O. 2014.—In exercise of the powers conferred by sub-section (1) of Section 16 of the Mysore Motor Vehicles Taxation Act, 1957 Mysore Act 35 of 1957), the Government of Mysore, being of the opinion that it is necessary in public interest so to do, hereby reduces the tax payable under the said Act in respect of stage carriages plying on the route specified in column (1) of the table below to the extent and for the period specified in column (3) respectively of the table.

TABLE.

Route	Tax payable per quarter per seat	Period
1	2	3
	Rs	
Deodurg to Bandoli *via* Anjala, Hirundi, Kardigud Jalahalli, Yergud, Chincholi and Bankaldoddi.	22-50	For a period of two years from 15th December 1966 or till the road is taken over by the Public Works Department whichever is earlier.

[No. HD 118 TMP 66.]

By Order and in the name of the Governor of Mysore,

1293 C. RAJANNA, *Under Secy.*

HOME SECRETARIAT

NOTIFICATION.

Bangalore, dated the 9th—11th October 1967.

S. O. 2015.—In pursuance of sub-clauses (a) and (c) of sub-rule 2 (ii) of Rule 404-A and Rule 405 of the Bombay Jail Manual as in force in the Bombay Area, the Government of Mysore hereby appoint the following persons to be the non-official visitors to the Central Prison, Belgaum, for a period of two years from the date of appointment :—

1. The Administrator, Belgaum City Municipality.
2. Shri S. I. Guttigoli, B.A., LL.B., Pleader, Belgaum.
3. Shri C. L. Pattanshetti, B. A., Raviwarpeth, Belgaum.
4. Shri M. K. Kamoji, Rtd. Asst. Commr. Jalagar-Galli, Belgaum.
5. Smt. S. M. Badha, Camp Belgaum.
6. Smt. Sumatibai Patil, Pleader, Tilakwadi, Belgaum.
7. Shri N. I. Chimade, M.A., LL.B., Hon. Secretary, The Belgaum District Probation and After-care Association.

[No. HD 68 PRA 67.]

By Order and in the name of the Governor of Mysore,

1269 V. A. GUMASTE, *Under Secy.*

GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT.
(LABOUR)

Labour Dispute :—Industrial Dispute between the Workmen and the Management of Bharath Plywood and Timber Products Ltd., Mangalore.

Award of the Labour Court Hubli.—Published.

Read the following papers :—

(1) Letter No. 1450/67-68, dated 5th October 1967, from Shri Syed Azizuddin Ahamed, Presiding Officer, Labour Court, Hubli.

IN THE LABOUR COURT AT HUBLI.

Dated 5th October 1967.

Reference.
(ID) (LCH) No. 41 of 67.

Present :

Shri Syed Azizuddin Ahmed, M.A., B.L. Presiding Officer,

Between

The Workmen of Bharath Plywood and Timber Products Ltd., Mangalore represented by The Secretary, Karnataka Mills Workers' Union Maidan Cross Road, Mangalore

I Party.

and

The Management, Bharath Plywood and Timber Products Ltd., Mangalore

... *II Party.*

This is a reference under section 10 (1) (c) of the Industrial Disputes Act, 1947, made by the Government of Mysore, in their Order No. LMA 337 LLD 67, dated 6th June 1967. The Points of dispute referred for adjudication are as under:—

I. Are the 2 female workers (mentioned in the demand notice dated 19th May 1965 of the Karnataka Mill Worker's Union, Mangalore) of Messrs. Bharat Plywood and Timber Products (Private) Ltd., Mangalore, entitled to the increase in Wages as set forth in the 2 agreements dated 1st May 1962 and 29th June 1964?

II. If not, to what other relief are they entitled?

2. The cause of the aggrieved workmen has been sponsored and espoused by The Karnataka Mill Workers' Union, Maidan Cross Road, Mangalore represented by its Secretary. Sri T. P. Rao. Secretary appeared for the I Party while Sri Bhaskara, Manager appeared for the II Party.

3. In response to the notices issued by the Court, the parties, having compromised the dispute, sent a Joint Memorandum of settlement. The case was taken up for hearing at Mangalore camp on 22nd September 1967 and the Joint Memo of Settlement dated 17th August 1967 was duly veryfied by me. As per the memo of settlement, the management has agreed to pay a special increment of Re. 0-10 per day inclusive of D.A. to Smt. Bridgitha Veigas, the only woman worker now in the service of the company from 1st August 1967. The I Party has agreed to withdraw all their demands in the above dispute.

AWARD

The reference is accepted. An award is made in terms of the Joint Memo of Settlement, dated 17th August 1967. The same be made a part of the award. The parties shall bear their own costs.

Place.—Hubli

Dated.—5-10-1967

SYED AZIZUDDIN AHMED,
Presiding Officer, Labour Court, Hubli.

ANNEXURE

BEFORE THE LABOUR COURT, HUBLI.

Reference.

(ID) (LCH) No. 41 of 1967.

Between

The Workmen of the Bharat Plywood and Timber Products Private Ltd., Mangalore, represented by the Secretary, The Karnataka Mill Workers' Union, Maidan Cross Road, Mangalore ... ***First Party.***

and

The Management, The Bharat Plywood and Timber Products Private Ltd., Mangalore

Second Party.

Joint Memo.

The parties of the above dispute beg to submit that they have amicably settled the present dispute under reference as per the following terms :

1. The management agreed to pay a special increment of Re. 0-10 p. per day inclusive of Dearness Allowance to Srimathi Bridgitha Veigas the only woman worker now in the services of the Company at present, from 1st August 1967.

2. The I Party Union agreed to withdraw all their demands in the above dispute. Therefore both the parties pray that the Honourable Court be pleaded to pass an award as per the terms of settlement.

Dated this 17th Day of August, 1967.

(Sd.)
For Karnataka Mill Workers' Union.
I Party.

(Sd.)
For Management, II Party.

Sri T. P. Rao, Secretary of the 1st Party Union and Sri V. Bhaskara, Manager of the 2nd Party are present. The joint memo of settlement was duly verified by me. They admitted before me its execution.

(Sd.)
Presiding Officer,
Labour Court, Hubli.
22-9-1967

(Sd.) V. Bhaskara
(Sd.) T. P. Rao
22-9 1967.

Place.—Hubli

Date.—5-10-1967.

SYED AZIZUDDIN AHMED,
Presiding Officer, Labour Court, Hubli.

ORDER.

Bangalore, dated 11th October 1967.

S.O. 2016.—WHEREAS by State Government Order No. LMA 337 LLD 67, dated 6th June 1967, the Industrial Dispute between the Workmen and the Management of Bharath Plywood and Timber Products Ltd., Mangalore was referred to the Labour Court, Hubli fo adjudication ;

AND WHEREAS the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute ;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 337 LLD 67.]

By Order and in the name of the Governor of Mysore,

1277 G. G. PUROHIT, *Under Secy.*

GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR)

Labour Dispute.—Industrial Dispute between the Workmen and the Management of Mysore State Electricity Board, Bangalore.

Award of the Additional Industrial Tribunal, Bangalore—published.

Read the following papers :—

(i) Letter A.I.T. No. 609-10/67-68, dated 19th October 1967 from Shri V. C. Ramachandran, Presiding Officer, Additional Industrial Tribunal, Bangalore.

BEFORE THE ADDITIONAL INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Dated 17th October 1967

Present :

Sri V. C. Ramachandran, B.A., B.SC., A.R.C.S., Bar-at-Law,
Presiding Officer.

A.I.D. No. 34 of 1966

I.D. No. 48 of 1965.

First Party—

The Workmen of Mysore State Electricity Board, Bangalore.

Second Party—

The Management of Mysore State Electricity Board, Bangalore.

A.I.D. No. 35 of 1966

I.D. No. 38 of 1966.

First Party—

The Workmen of Mysore State Electricity Board, Bangalore.

Second Party—

The Management of Mysore State Electricity Board, Bangalore.

A.I.D. No. 14 of 1966

I.D. No. 104 of 1966.

First Party—

The workmen of Mysore State Electricity Board, Bangalore.

Second Party—

The Management of Mysore State Electricity Board, Bangalore.

APPEARANCES

For the First Party—Sri K. Subba Rao, Advocate, Avenue Road, Bangalore.

For the Second Party—Sri B. R. Puttananjappa, Mysore State Employers' Association, Bangalore.

REFERENCES

A.I.D. No. 34 of 1966—No. PLM 323 LLD 65, dated 27th October 1965.

A.I.D. No. 35 of 1966—No. PLM 323 LLD 65, dated 25th February 1966.

A.I.D. No. 14 of 1966—No. LMA 20 LLD 66, dated 18th April 1966.

AWARD

These three References are in respect of Industrial disputes between the same Parties, *viz.*, the Workmen and the Management of the Mysore State Electricity Board, Bangalore. All the three References were referred to the Industrial Tribunal in Mysore, Bangalore, under Section 10(1) (d) of Industrial Disputes Act, 1947, by the Government of Mysore in their Orders Numbers as noted below, for adjudication.

A.I.D. No. 34 of 1966—No. PLM 323 LLD 65, dated 27th October 1965.

A.I.D. No. 35 of 1966—No. PLM 323 LLD 65, dated 25th February 1966.

A.I.D. No. 14 of 1966—No. LMA 20 LLD 66, dated 18th April 1966.

Subsequently by Order No. LMA 595 LLE 66, dated 29th November 1966, dated 17th December 1966, the Government withdrew the proceedings from the file of the Industrial Tribunal and transferred them to this Tribunal for disposal. All the three disputes relate essentially to the service conditions of that category of employees of Mysore State Electricity Board who are known as 'Daily-rated employees', 'Temporary Employees' and 'Tentative Employees'. As common questions of fact and law arise in all these three disputes, I propose to make one Award in respect of all these disputes a copy of which will be filed along with the records of other cases.

2. The points of disputes referred by Government are :—

(1) Whether the temporary employees of the Mysore State Electricity Board are entitled to the benefits of enhanced Dearness Allowance as contemplated in the Agreement dated 30th March 1962 and whether the Management is justified in depriving them all the benefits of that Agreement ?

(2) Whether the workmen are justified in demanding enhanced Dearness Allowance to the temporary employees of the Mysore State Electricity Board even if they are not entitled to it under the Agreement dated 30th March 1962 ?

(3) Whether the temporary employees who have put in a service of 240 days and more should be made permanent,

(4) Whether the workmen are justified in demanding that the rate of promotion of Graduates and non-graduates to the higher grades in the technical cadre should be in in the ratio of 3 : 2 ? and

(5) to what reliefs the workmen are entitled to even otherwise.

3. The Mysore State Electricity Board was constituted by the Government of Mysore and it came into existence on 30th September 1957. Except for those persons who were working in connection with the Hydro-Electric Construction Projects and Electrical Inspectorate all the other employees under the Government of Mysore in the Electrical Department prior to the formation of Mysore State Electricity Board were taken over by the Electricity Board. There were at that time about 5,000 temporary daily-rated employees working on the maintenance Section such as mechanics, linemen, helpers, pole-climbers, both skilled and unskilled who had come under the administrative control of the Mysore State Electricity Board. During the last 10 years or so, the number of such

temporary employees working under the Board had increased and the present number is about 13,000 due to the expanding activities of the Board and the failure of the Board to employ permanent workers or to absorb them into the permanent cadres. The Board originally paid wages as well as Dearness Allowance to the temporary employees, but the Management unilaterally revised the wage-structure and paid consolidated wages from 1960 to the temporary employees which included Dearness Allowance. The Union protested against the unilateral action of the Board and negoitations took place between the Union and the Board. As a result of these negotiations, a settlement was reached and a Memorandum of Settlement was drawn up under which the Board agreed to extend all benefits which may be granted by way of policy to the advantage of the employees of the Board.

4. The Government of Mysore sanctioned enhanced Dearness Allowance to their employees with effect from 1st April 1963 and that enhancement was adopted by the Board to the monthly paid employees under them. The Board failed to give enhanced Dearness Allowance to the temporary or daily-rated employees although the Board revised the Dearness Allowance on three occasions, once in 1963, another in 1964 and the third in 1965 in accordance with the order of the Government enhancing the Dearness Allowance to its own employees. The case of the workers is that under the settlement, they are entitled to the enhanced Dearness Allowance which has been granted to the other employees of the Board by virtue of the settlement under which the Board was obliged to pay them whatever benefits they had conferred on other employees of the Board. The Union brought it to the notice of the Board on several occasions, but the Management did not comply with their request saying that the matter was still under consideration. The Union then approached the Labour Commissioner for initiation of Conciliation Proceedings in respect of the Dearness Allowance and other benefits to the Daily-rated employees. The conciliation proceedings ended in failure and a failure report was sent to the Government. The Government then referred the matter for adjudication. The workmen contend that they are entitled to the enhanced Dearness Allowance which is paid to the other employees under the Board by virtue of the settlement entered with the Management on 30th March 1962.

5. The I Party submit that even if for any reason they are not entitled to the enhanced Dearness Allowance under the Agreement, they are certainly entitled to the enhanced Dearness Allowance as is being paid to the other category of workmen on account of increase in the cost of living which is rapidly rising since 1960. The wages for these daily-rated workmen had not been revised since

1960 and dearness allowance had not been paid to them and hence they are entitled to the demand for Dearness Allowance at least partially to neutralise the rising of the cost of living. They are also entitled to the increased Dearness Allowance on the ground that they should not be discriminated, as discrimination between different category of employees on the same establishment leads to strife, disharmony and heart-burning resulting in industrial unrest. The Board has the capacity to pay the Dearness Allowance as demanded and as these temporary employees are the lowest paid workmen, it is submitted that they are entitled to the benefit of increased dearness allowance which is given to other employees of the Board.

6. The daily-rated employees have put in service ranging from one year to fifteen years continuously without any break and in spite of such continuous service, the Board has not made them permanent denying them the security of service. Besides, these daily-rated employees have been denied the benefits of leave, festival holidays, medical relief, retirement benefits, etc., which are given to the other employees of the Board. In those circumstances, the workmen contend that permanency of service should be secured to the temporary employees provided they have put in more than 240 days of continuous service in a year. They should be given the same emoluments as other workmen doing the same job. The workmen further submit that refusal to make these temporary workmen permanent in spite of their continuous service is tantamount to unfair labour practice and exploitation and to deprive them of all the benefits of the permanency is against all cannons of social justice. The workmen, therefore, submit that their demand for permanency of service and other benefits to the daily-rated employees is reasonable and legitimate. The work performed by the daily-rated employees is of a peermanent nature. The generation, transmission and distribution of electricity are works of permanent nature and almost all the daily-rated employees are engaged in work of that kind. There is no difference in the nature of work done by the daily-rated employees and the permanent employees and it is highly discriminatory to treat them in different way. The workmen submit that their demand to make the daily-rated employees who have put in 240 days of continuous service as permanent employees is reasonable and legitimate and they are entitled for an award in terms of their demand.

7. There is a further demand that the ratio of promotions between the Graduates and Non-Graduates which has been fixed to be 3 : 2 has not been terminated by due notice and the benefits derived by the workmen under it are not extinguished. In spite of the Settlement, the workmen allege that the Board has changed the ratio of promotions between the Graduates and non-graduates to the cadre of sub-engineers and Assistant Engineers. The Board has

now proposed an amendment to the recruitment rules according to which 25 per cent of the posts of the Assistant Engineers are to be filled by direct recruitment from outside the Board's service and out of the balance of 75 per cent, 45 per cent to be filled up by promotions from the Graduate cadre and the remaining 30 per cent from the cadre of supervisors resulting in the ratio of promotions between the Graduates and the Non-Graduates being changed to 7 : 3 which prejudicially affect the supervisors. Because of this change, the prospects of promotions of supervisors who have acquired considerable experience are being denied. The workmen pray that an award be passed directing the management to keep the ratio of promotions between the Graduates and the non-graduates as 3 : 2. The workmen filed an additional claim statement in which they seek for making the clerical staff also who have put in 240 days of service in a year permanent.

8. The Management of the Mysore State Electricity Board which is referred to as "The Board" have resisted all the demands put forward by the workmen. They contend that they had never committed themselves under the Agreement, dated 30th March 1962 that they are agreeable to pay the enhanced Dearness Allowance to the temporary employees. The settlement is not one contemplated under Section 2(*p*) of the Industrial Disputes Act as necessary requirements have not been complied with. The conditions of service of the temporary employees have been different from those of the permanent employees. Under the Agreement, dated 30th March 1962, it was understood that from 16th November 1960 onwards the daily-rated employees would be entitled to only consolidated wages which include the Dearness Allowance and hence there is no basis for the claim of the I Party that there should be any enhancement in the dearness allowance payable to the temporary employees. As it was not the policy of the Board to extend the benefit of the enhancement of Dearness Allowance to the temporary employees, the II Party cannot be compelled to pay by virtue of any provision in the agreement to extend the same to its temporary employees.

9. The Management submits that there is no industrial dispute so far as the Reference for Dearness Allowance, irrespective of the agreement and, therefore, this Tribunal has no jurisdiction to adjudicate upon it. The reference itself, according to the Management, is vague and as consolidated wages had been paid to the daily-rated workmen, the question of payment of Dearness Allowance or enhancement of Dearness Allowance does not arise. The monthly-rated workmen had been getting basic pay and dearness allowance separately while the daily-rated workers are being paid consolidated wages from 1960, that they have been given increments periodically

and that their wages are fixed on the basis of the prevailing rates of wages in the concerned area. Hence the management submits that the question of payment of Dearness Allowance does not arise. The demand is belated and any payment can only take effect from the date of the Reference and not on any prior date.

10. The Management denied that the daily-rated workers are engaged in maintenance jobs. It is only the permanent monthly-rated staff who are engaged in maintenance work and the daily-rated workers look after the construction and seasonal jobs which are of casual nature. There is no exploitation as their wages are being fixed by the Superintending Engineers based on wage levels prevailing in that locality. Whenever vacancies arise in permanent posts, the seniormost daily-rated workers are absorbed subject to the prevailing rules of recruitment. Hence the demand that all workers who have put in 240 days should be made permanent is neither justified nor feasible.

11. There is no dispute whatsoever in maintaining the ratio of promotions as between the graduates and non-graduates at 3 : 2. The I Party, however, seems to have taken objection to direct recruitment to the cadres of sub-engineers and assistant engineers and that is a dispute which has not been referred for adjudication and hence this Tribunal has no jurisdiction to give an award. Besides, promotions are purely managerial function, entirely at the discretion of the management and cannot be imposed upon by the Award of the Industrial Tribunal. The II Party submits that the demand of the I Party for interfering in the percentage of direct recruitment has to be rejected.

12. In view of the above pleadings, by the Parties, certain additional Issues have been framed apart from the points of disputes referred to already. They are as follows :—

"(1) Whether the settlement dated 30th March 1962 is not a settlement as contemplated under Section 2 (*p*) of the Industrial Disputes Act and therefore, not binding under Section 18(1) of the Act ?

(2) Whether the benefits of the Settlement dated 30th March 1962 are available to the Parties thereto ?

(3) Whether the Policy of the Board was not to extend the benefits of the enhanced Dearness Allowance to the temporary employees of the Board ?

(4) Whether there was no industrial dispute with regard to the demand for enhanced Dearness Allowance and whether this Tribunal has no jurisdiction to adjudicate upon it ?

(5) Whether the points of dispute specified in the Order of Reference with regard to the Dearness Allowance are vague and as such the Reference is liable to be rejected ?

(6) Whether the claim for enhanced Dearness Allowance to the daily-rated temporary workers from 1962 is belated and cannot be gone into in this reference ?

(7) What is the date from which the enhanced D.A. if any to be given effect to ?

(8) Are the daily-rated workmen employed in maintenance work and other works of permanent nature as pleaded by the I Party ?

(9) Has the II Party broken the terms of settlement dated 30th March 1962 by resorting to recruitment of 15 per cent of graduates directly and thus changed ratio of promotion from 3 : 2 to 7 : 3 ?

(10) Are the members of the Clerical and Executive staff to be treated as permanent in the same factory as the daily-rated workers ?

(11) To what reliefs are the I Party workmen entitled ?"

13. The main controversy in this Reference are only two-firstly as to whether the daily-rated employees of the Mysore State Electricity Board are entitled to Dearness Allowance and secondly whether the daily-rated employees as well as the tentative clerical employees of the Mysore State Electricity Board are entitled to be absorbed into the permanent cadres. All the other Issues are not as important as these two and in any case as they are concerned with the jurisdiction of this Tribunanl to adjudicate upon the main controversy, I propose to deal with them first before going to the merits of the disputes.

14. The management contends that this Tribunal has no jurisdiction to decide the points at Issue on various grounds, firstly, that there was no industrial dispute with regard to the claim for Dearness Allowance and hence the Reference is bad, secondly that the points of dispute specified in the Order of Reference are vague and as such, the Reference is liable to be rejected and thirdly that the claim for enhancement of Dearness Allowance to the daily-rated employees is belated and lastly this Tribunal has no jurisdiction to adjudicate on the question of direct recruitment.

15. It is common ground between the Parties that eversince the settlement was entered into between the Management and the Workmen in 1962, the I Party Union has been agitating for payment of Dearness Allowance to the daily-rated employees as has been granted to the permanent employees. The matter was taken up for

conciliation before the Commissioner of Labour where the conciliation proceedings with regard to the Dearness Allowance had taken place which resulted finally in failure. The Mysore State Electricity Board Union had made demands subsequent to expiry of the Settlement in 1965, one of the demands being the payment of the Dearness Allowance to the Daily-rated employees. In view of the agitation carried on by the Union for Payment of Dearness Allowance to the daily-rated employees and for their absorption into the permanent cadres, it seems to me idle for the management to contend that there has been no industrial dispute. I shall refer to the correspondence Ext. W. 20 in which it is stated that the benefit of increased rate of Dearness Allowance is not extended to the temporary labourers and as the cost of living is very high and the employees are hard-hit, it is not known how the temporary labourers in the industry are better placed and that they should be contented with the minimum wage of Rs. 1.25 P. per day all found, in view of such high cost of living. In view of the correspondence and the negotiations that had taken place, it cannot be denied that there was an industrial dispute with regard to the dearness allowance and absorption of the daily-rated employees and hence the Government was justified in making a Reference as conciliation proceedings ended in failure, nor is there anything vague in the demand of the I Party with regard to the Dearness Allowance of the daily-rated employees as their claim throughout has been that they should be treated on par with the permanent employees of the Board. In those circumstances, the Reference is valid and is not vitiated by any infirmities nor is there any ground in support of the contention of the management that there has been belatedness in the demand for Dearness Allowance as the I Party has been repeatedly making the demand even at and before the time of the Reference.

16. There is, however, one matter about which the jurisdiction of this Tribunal to adjudicate could be successfully assailed. The Demand of the workmen is that the ratio of promotion of graduates and non-graduates to the posts of Assistant Engineers or Sub-Engineers, should be in the proportion of 3 : 2. According to the settlement between the Parties, the proportion of the promotion was fixed at 3 : 2 under clause 5 of the Memorandum of Settlement dated 30th March 1962. The ratio of promotion of graduates and non-graduates to the grades of Sub-Engineers and Assistant Engineers will be in the proportion of 3 : 2, *i.e.*, for every three graduates promoted, two non-graduates will be promoted. The case of the management is that the promotion in that proportion have been strictly adhered to, and that eversince the date of Settlement, for every 3 graduates promoted to the posts of Sub-Engineers and the Assistant Engineers, two non-graduates who were Supervisors had been promoted and therefore, there was no variation or failure to implement the settlement. The I Party also admits that promotion to the grades

of Sub-Engineers and the Assistant Engineers from Junior Engineers and Supervisors has been in the proportion of 3 : 2. Hence there could be no industrial dispute at all with regard to that matter. The point of dispute referred to this Tribunal is whether the workers of the Mysore State Electricity Board, Bangalore, justified in demanding that the rate of promotion of graduates and non-graduates to the higher grades in the technical cadre should be in the ratio of 3:2. Both the Parties have agreed that, that is the ratio contemplated under the Memorandum of Settlement and that is the ratio which has been followed in promoting the Junior Engineers and the Supervisors to the higher grades of Sub-Engineers and Assistant Engineers. The learned Counsel for the First Party argued that the management have recently introduced in the year 1966, long after the Reference, a new rule under which they could recruit directly 25 per cent of the Assistant Engineers as a result of which, the number of posts available for promotion from Junior Engineers and Supervisors to the posts of Assistant Engineers have been reduced, to 75 per cent and at present 45 per cent of the vacancies of the Assistant Engineers are available by promotion to the Junior Engineers and only 30 per cent of the vacancies are available to the Supervisors and therefore, out of the vacancies of Assistant Engineers, the proportion of graduates to non-graduates will be not as 3:2 but 7:3, *i.e.*, for every 7 graduates taken as Assistant Engineers only three supervisors are promoted to that post. Therefore, it is argued the ratio agreed to under the Settlement has been considerably altered. In my view, the contention of the learned Counsel for the First Party is a matter which is not covered by the Points of Dispute referred to this Tribunal. I am only called upon to adjudicate as to whether the ratio of promotion between Graduates and non-graduates should be 3:2 and on that Issue there is absolutely no controversy because the Management accepts the promotion between the Graduates and the non-graduates should be in the ratio of 3:2 and that they have been following that ratio in the promotions granted to those who are in service under the Second Party from out of Graduates and non-graduates. The learned Counsel wants me to adjudicate upon the question as to whether the Mysore State Electricity Board is justified in recruiting 25 per cent of the Assistant Engineers directly from the open market, but that is an Issue which is not referred to me and therefore, in my view, I have no jurisdiction to decide that question. Besides, recruitment to any posts is purely the managerial function and it is not open to this Tribunal to decide how recruitment should take place. There are indeed very many reasons why a certain percentage of officials in the Board should be by direct recruitment. It often happens that the brilliant engineers would not be willing to start at a lower scale and would look to other private enterprises which may offer them better conditions of service. The Board should also have first class men on the staff and that is possible only by direct recruitment. In any case, it is not for me

to say as to how the Board should recruit its officials. I can only consider the question of promotions from those already working in the Board and so far as that matter is concerned, there has been no violation of the principles enunciated in the Memorandum of Settlement, *i.e.*, for every three promotions of graduates to the post of the Assistant Engineers or the Sub-Engineers, there must be two promotions from the grade of supervisors who are non-graduates. My finding, therefore, is that the increase in percentage of direct recruitment is not covered by the present reference and this Tribunal has no jurisdiction of adjudicate upon that dispute and that Second Party has not broken the terms of settlement dated 30th March 1962 by resorting to recruitment of 25 per cent of graduates directly and has not changed the ratio of promotions from 3:2 to 7:3.

17. Having disposed of the preliminary Issues with regard to the jurisdiction of the Tribunal, we may now concentrate upon the main Issues which, as stated before, are only two. One regarding the Dearness Allowance to the Temporary or daily-rated employees and the other with regard to the absorption. Before going into the matter, it may be necessary to recall the history of the Mysore State Electricity Board. Originally, in Mysore State, all the electrical undertakings were carried on by the Government itself. It was responsible for generation, transmission and distribution of Electricity. The Government issued a notification on 27th September 1957 constituting the Mysore State Electricity Board, as per Ext. W. 1, those who were in service under the Government Electrical Department except for certain staff connected with the construction of projects, were transferred to the Board on the understanding that they will be entitled to the same conditions and privileges which they had enjoyed while they were in the electrical department. Among those who were transferred from the Government Electrical Department to the Mysore State Electricity Board were apart from the permanent staff and workers, the daily-rated workers who had been employed as mechanics, wiremen, linemen, helpers, pole climbers both skilled and unskilled. The number of such daily-rated employees at that time in 1957 was only about 5,000. After the Board took up the Electrical Department from the Government of Mysore, its activities considerably expanded with the result that they had to increase the strength of their employees to cope up with ever increasing work with the result that to-day, they are said to be between 13,000 to 15,000 daily-rated employees working under the Board. The daily-rated employees were paid wages and dearness allowance only up to the year 1960 when the Management unilaterally started paying them what they called the 'consolidated Wages' which is inclusive of the Dearness Allowance. There was discussion between the Union and the Management and finally they reached a settlement dated 30th March 1962 under which the wages of the daily-rated employees had

been fixed. Further a clause was added to the settlement that the Board agreed not to curtail or withdraw any of the existing facilities of the above benefits or declare lock-out during the said period of three years, but shall extend all benefits that the Board may grant by way of policy to the advantage of the employees of the Board. Subsequent to the Memorandum of Settlement, the Board had enhanced the Dearness Allowance to its permanent employees, on not less than five occasions while no dearness allowance was paid to the daily-rated workmen. The case of the workmen is that by virtue of the Memorandum of Settlement under which the management is under the obligation to extend the benefits given to the permanent workmen to the daily-rated employees. The daily-rated workmen should be given the same dearness allowance as paid to the permanent staff also to the temporary labourers. Alternatively, the workmen contend that they are entitled to Dearness Allowance as the cost of living has arisen enormously during the last five years and that they should be given such dearness allowance which would neutralise the rising cost of living.

18. I shall take up the first stand of the workmen as to whether the daily-rated employees are entitled to the dearness allowance paid to the permanent staff under the Settlement, dated 30th March 1962. The settlement itself is a valid settlement as necessary formalities had been complied with. Even otherwise, it is an agreement which is signed by the Parties copies of which have been sent to the appropriate Government and the Conciliation Officer. It is, therefore, binding on the Parties, *viz.*, the Mysore State Electricity Board Employees' Union and the Management of the Mysore State Electricity Board. According to that settlement its object is to maintain harmonious relationship between the employees and the Board, to promote the stability and the prosperity of the Board for the benefit of all who are associated with the Board in order to create full understanding of and regard for the respective rights, obligations and responsibilities of both the Board and the Union. The service conditions of all employees had been fixed, under Clause 2 under the heading, 'Implementation of Revised Wages'. The rates of Dearness Allowance to the temporary labourers had been fixed up to 15th November 1960 when the dearness allowance was merged with the basic salary and from then onwards the daily-rated employees were paid consolidated wages. Both the Parties under the Memorandum of Settlement agreed that from 16th November 1960 and onwards the daily-rated employees will only be paid consolidated wages which includes Dearness Allowance as approved by Government in G.O. No. PWD 142 EEB 60, dated 3rd October 1960 and adopted in Board Order No. MSEB AB. 2165, dated 5th November 1960. It is clear, therefore, that under the Memorandum of Settlement, the parties have agreed that from 16th November 1960, the daily-rated employees

will not be entitled to any separate Dearness Allowance, but are only entitled to consolidated wages which have been fixed. Hence, so long as the settlement is in force and the terms thereof have not been altered or modified by any subsequent settlement or an award, the First party-Union are not entitled to claim the dearness allowance for the daily-rated employees.

19. The argument advanced by the learned Counsel for the First Party is that the last clause in the settlement under which they are entitled to all the benefits that the Board may grant by way of policy to the advantare of the employees of the Board gives them the right to demand the Dearness Allowance at the same rate as that of permanent employees because subsequent to the settlement the Board had conferred certain benefits with regard to the Dearness Allowance to the permanent employees. As stated before, the Board had implemented the Government Order enhancing the Dearness Allowance from time to time between 1962 to 1965 on or about five occasions. The learned Counsel for the First Party contended that those benefit which had been granted to the permanent employees must under the last clause of the settlement be extended to the daily-rated employees also. I am not, however, convinced that, that argument has any force. In interpreting the settlement, all the terms of the settlement must be taken into consideration and as far as possible reconcile the various terms and should not ignore any one of the terms unless it would lead to absurdity. There is a specific term in the settlement that from 16th November 1960 and onwards, the daily-rated employees are not entitled to separate Dearness Allowance, but only to the consolidated wages and hence they cannot demand dearness allowance at any rate so long as the settlement is in force. What the last clause intend is only with regard to the other benefits which the Board may grant to all employees which had not been covered under any terms of settlement. Besides the last clause deals only with the benefits conferred on all employees by way of policy, but it does not restrict the Board from conferring benefits to any particular category of employees. The enhancement of Dearness Allowance after 1962 was declared as a policy of the Board only to the monthly paid employees which means permanent employees of the Board. It was argued that even the daily-rated employees are paid monthly. but the words, 'monthly paid employees' means that their pay is calculated at so much per month, while in the case of the daily-rated employees pay is calculated at so much per day and only for the days during which they have worked. There is, therefore, a real distinction between the monthly-rated workers and the daily-rated workers and the time of payment is not of much importance. but only the rate of which the pay is calculated. The Orders passed by the Board from time to time is only in respect of monthly-rated employees or permanent staff who get pay whether

they worked all the 30 days in the month or not, as against the daily-rated employees whose wages are calculated per day and only for the days on which they work. It is open to the Board to restrict the benefit to a particular class of employees and such benefits cannot be extended to all the employees as contended by the learned Advocate for the First Party. To take an illustration, as pointed out by the learned Counsel for the Management, if the Management tomorrow passes an order that all Assistant Engineers should be provided with jeeps for better performance of their duties, it does not necessarily follow and it would lead to absurdity that all employees of the Board must also be provided with jeeps, because the settlement states that the Board shall extend all the benefits that the Board may grant by way of policy to the advantage of the employees of the Board. What it really means is that if the Board orders by way of policy that a particular benefit should be extended to all its employees, no particular group should be excluded from that benefit. In other words, if the Board declares 'Vijayadasami' a holiday, it cannot ask the clerks to come and work and grant holiday only to the others. In that view of the matter, it seems to me obvious that under the Settlement at any rate, no Dearness Allowance can be claimed by the First Party-Union. The only interpretation that can be given to the settlement is that the workmen are entitled to consolidated wages from 16th November 1960 and onwards which is inclusive of Dearness Allowance. Their claim for Dearness Allowance can be considered only after the termination of the Memorandum of Settlement which has been duly terminated by the Management. The field is now open to demand the Dearness Allowance for the daily-rated employees on the ground of increase in cost of living and the necessity to neutralise the ever increasing cost of living.

20. If the workmen are not entitled to claim the Dearness Allowance which was being paid to the permanent employees of the Board under the Settlement, datd 30th March 1962, the next question for consideration is whether the workmen are entitled to claim the Dearness Allowance at the same rate as those paid to the permanent employees by virtue of increase in the cost of living. It cannont be disputed that there has been a great increase in the cost of living during the last few years. The consumer price index has risen from 379.8 in 1957 to 618.5 in 1965 and to-day it is said to be about 740, that is to say during the course of last ten years, it has increased by nearly 400 points. The daily-rated employees whose consolidate wage was fixed in the year 1961 continued to get the same wage without any increase eversince 1961. It is said to be Rs. 1.25 per day and for 26 days in a month for which he is paid, his wages would be only about Rs. 32.50 per month with which he is supposed to maintain his family in these hard days. It is obvious that with the cost of consumer price index being round about 700 points, it is impossible for any person to maintain his family with the meagre

income that the daily-rated employees' are being paid. It is, to say the least, below the minimum or subsistence wage and the board is not justified in keeping its daily-rated employees in such a miserable state of affairs. The industrial law has laid down and it is supported by a number of authorities that when the industry is in a position to pay, it must keep its workmen on what is called on fair wage basis which is higher than the minimum wage and below living wage. Although the living wage may not be within the easy reach of the workman in the context of prevailing economy, at any rate, when the industry could afford it should pay at least the minimum of fair wage. It has been variously estimated that minimum of fair wage in Mysore State would be somewhere about Rs. 230 at present. The Mysore State Electricity Board has financial capacity to meet the demand of the daily-rated employees. At any rate, it is the bounden duty of the Board to give to all its employees the need based wage. It is not seriously disputed that the Board has capacity to pay. The activities of the Board have increased and so also its financial resources and while the gross revenue when it was started in 1957 was Rs. 215 lakhs for the six months in 1957-58. In 1965-66, the revenue has gone upto 1,235 lakhs. The nett profit during these years had increased from 9 lakhs to 150 lakhs. The resources has also considerably increased from 18 lakhs to 29 lakhs. From these figures, it could be seen that the Board has enormous resources and cannot plead its incapacity to meet the just demands of the daily-rated employees.

21. There is another important reason as to why the daily-rated employees should be treated on par with the permanent employees. The work that has been turned out by the daily-rated employees are identically the same as those of the permanent employees. Even though they do the same kind of work, the daily-rated employees are deprived of all the facilities and benefits enjoyed by the permanent workmen. The daily-rated employees do not get Dearness Allowance. They are not entitled to any leave. They get pay only for the days they work, and other facilities and benefits enjoyed by the permanent workmen are denied to them. It must be remembered that it is one of the cardinal principles enshrined in our Constitution that equal work must be rewarded with equal pay and to each according to his need and from each according to his capacity. That principle has been given a go-bye by making this invidious distinction between the daily-rated employees and the permanent employees. It must be remembered also that the needs of the daily-rated employees are as urgent and imminent as those of the permanent employees and to deny them the privileges enjoyed by the permanent employees is to say the least, against the directives of our Constitution.

22. The First Party has let in considerable evidence in order to show that the daily-rated employees do identically the same work as those done by their counterparts in the permanent cadres. I shall refer to a few witnesses, who have been examined by the First Party in support of this matter. Sri Rama, W.W. 2, has been working in the Board ever since its inception in 1957 and although he has been working for the last ten years, he is still shown as a temporary labourer. He is working in a workshop in the New Receiving Station at Rajajinagar. His work consists of cutting and punching machines. There are about 300 workmen in that workshop but only 22 of them had been made permanent and the rest are all shown as temporary workmen. He has been continuously working for the last 10 years. He has been denied enhanced pay, Dearness Allowance, Pension and medical benefits. According to him, the nature of work done by him is such that it is always required by the Electricity Board. There is no distinction between the work done by the temporary workers and that turned by the permanent workmen. Byrappa is a lineman and he has also been working as a temporary worker in the Board eversince its inception continuously and yet he has not been made permanent. There is no difference between the work done by him and that done by the permanent employees. Hanumanthappa is a maistry in the Electrical 'A' Station. He has been working in the distribution Section for the last eight years attending to street lighting, parallel lighting, giving service connection to the houses, connection to transformers which are all permanent works. According to him, the kind of work that he does is done by both permanent and temporary workmen. The reason why some of them have been kept temporary is to deprive them of wages, leave and wages on holidays. He says that both temporary and permanent workers carry on work together. Kempiah has been working in Mysore State Electricity Board since the last 12 years. He is still a daily-rated employee, although he has been working for 12 years without any break and his work is of the same kind as that of the work turned out by the permanent employees. Lakshminarayana is a supervisor and he deposes that both the permanent as well as temporary employees work together and the same work has been done by both the permanent and temporary workers. Ext. W. 42 is a list of wages paid to the permanent staff who are entitled to the various benefits like D.A., Compensatory-*cum*-House Rent allowances which are denied to the daily-rated employees as well as the leave facilities. Subramanyam is a permanent employee and he states that in the Central Stores, Bangalore, where he works, there are 70 or 80 permanent workmen and about 60 or 70 are temporary workmen and the work of loading and unloading is done by permanent and temporary workmen together and there is no difference between the work done by the permanent and temporary workmen. Ganeshan is a helper working in the Central Stores and although he has put in six years

of service, he is still a daily-rated employee and he has not been paid any Dearness Allowance. The discrimination is not only between the daily-rated employees and the permanent employees, but also between the daily-rated labourers as against the tentative or temporary employee in the higher cadre, *viz.*, clerical staff. In that clerical cadre, the tentative candidates entertained in the service are being paid Dearness Allowance and are given increments and other facilities enjoyed by their counterparts in the permanent cadre while the daily-rated labourers who are the lowest paid employees of the Board are denied these privileges. As a matter of fact our object is to lift up the lowest category of employees and to bring down if necessary the highest paid employees so that the time may come when this gap between the highest paid and the lowest paid will be very narrow, if such a gap should exist at all. The Board seems to have pursued a policy of widening the gap instead of narrowing it within reasonable limits. A. P. Srinivasa Murthy has been working as a Ledger Clerk as a temporary employee in 1963, he states that there were only four zones in Bangalore and now it is increased to six zones. There were then 10 ledger clerks and now there are fourteen. The work done by each clerk is the same, *viz.*, issue of 600 bills a month and to enter the collections. The number of clerks have been increased because the work has increased as the number of consumers have become more. P. Nagiah is another clerk who speaks to the expanding activities of the Board and while there was only one office in 1964 in Malleswaram and now there are three offices and yet he is continued as a temporary worker. B. C. Marilingaiah was taken as a supervisor in 1964 as a temporary employee. He was retrenched in 1965 and reappointed on 14th December 1965, *i.e.*, within two months and continued to be a temporary supervisor, although there was work to be done in that Department. Krishnamurthy was taken as a clerk in Malleswaram North Zone which was later on bifurcated and made into two zones, one in Rajajinagar and one in Yelahanka. According to him, both the permanent and the temporary clerks do the same work and yet he is denied free lighting and festival advance enjoyed by the permanent workmen. These are some of the persons who have been greatly affected by this discrimination between the temporary employees and the permanent employees, but suffice to say that the daily-rated labourers must be given the same rate of Dearness Allowance as given to the permanent workers not only on the principle of equal work equal pay but also on humane consideration that they cannot possibly cope with the even increasing rise in the cost of living.

23. In calculating the Dearness Allowance payable to the daily-rated employees, certain factors have to be taken into consideration. In the first place at the time of consolidation of the pay and the Dearness Allowance in 1960, the entire Dearness Allowance was merged with wages so far as the daily-rated employees are concerned,

but with regard to the permanent employees, only a portion of the Dearness Allowance was merged with the basic pay and therefore that portion of Dearness Allowance which has not been merged in the case of permanent employees will have to be deducted from the Dearness Allowance payable to the daily-rated employees because that portion of Dearness Allowance has already been merged with the consolidated wages of the daily-rated employees. In the second place, the management have adduced evidence to show that the consolidated wages have been subsequently revised in the case of all the daily-rated employees. Hence the benefits that they have got by virtue of the revision of the consolidated wages should also be deducted from the Dearness Allowance payable to them. These two deductions have to be made from the Dearness Allowance which is being paid to the permanent employees and the Dearness Allowance to which the daily-rated employees are entitled will be the amount remaining after such deductions.

24. There are a number of authorities which lay down the proposition that industrial adjudication cannot tolerate discrimination practised in any industry between one worker against another worker. I shall refer to a few of them which laid down those principles. In 1964 I LLJ 750 the following observations are made :—

> "No justification was put forward on behalf of the appellant for making this discrimination in this matter between the same categories of clerks who rejoined the appellant factory year after year when the new season began. We can see no warrant for making this discrimination in the matter of retaining allowance between one seasonal clerk and another and as the appellant was admittedly paying about half of the seasonal clerks year after year it must be held that the other half of the seasonal clerks is equally entitled to the retaining allowance."

In 1964 I LIJ 743, the Supreme Court held that the Industrial Tribunal is right in stating that in the circumstances of the instant case, there should be no disparity or difference between the Dearness Allowance payable by the company to its employees at the two factories.

In 1962 II LLJ 366 the Supreme Court observed that it cannot be denied that the existence of industrial peace and harmony and the continuance of peace and harmony are relevant factors, but their importance should not be unduly exaggerated. If the Appellants thought it necessary to provide for additional earned leave to their old employees, there is no reason why there should not be made a similar provision in respect of the new employees as well.

25. Taking the above circumstances into consideration in order to preserve industrial peace and harmony and in order to avoid frustration and discrimination and disparity between an employee and employee, the demand of the workmen that the daily-rated employees should be treated on par with the permanent employees in the matter of Dearness Allowance should be accepted subject to the modifications indicated above.

26. The last point of dispute between the Management and the workmen is the demand for making daily-rated workers who have put in a service of 240 days and more should be made permanent. The permanent workmen is defined in industrial law as one engaged in the permanent nature of work throughout the year and who has completed his probationary period if any and a temporary workman is one who is engaged in the work of a temporary and casual nature or to fill in a temporary need of extra hands on a permanent or temporary job. From this definition it is obvious that if a worker is engaged in a permanent nature of work throughout the year he is entitled to be made permanent. In the instant case, most of the daily-rated workers are engaged in the work of permanent nature. I need not again refer to the evidence which has been quoted in *extenso* when discussing the question of discrimination between worker and worker. That evidence conclusively proves that most of the daily-rated employees have been engaged in a permanent nature of work throughout the year. There are no doubt some daily-rated employees who are not engaged in a work of permanent nature, but fortunately, in this case, it is possible to distinguish the case of those who are not engaged in a work of permanent nature from those who are employed in such works. The Mysore State Electricity Board has two separate engineers, one called the Chief Engineer, (Construction) and the other, the Chief Engineer (General). The Chief Engineer (Construction) employs workmen for the purpose of construction while the Chief Engineer (General) looks after the maintenance and distribution of Electricity. The daily-rated employees who are under the Chief Engineer (Construction) will not be engaged in the works of permanent nature because as soon as the construction of a project is completed. it is handed over to the Chief Engineer (General). The Chief Engineer (General) will, therefore, have mostly workmen whose employment is of a permanent nature. Hence those daily-rated employees who are working under the Chief Engineer (General) are entitled to be made permanent if they satisfy certain conditions, *viz.*, they should have worked for at least 240 days in a year and found suitable for the kind of work that they have been doing. It must be remembered that the daily-rated employees under the Board has enormously increased from mere 3,000 at the inception of the Electricity Board in 1957-58 to the present figure of 14,000 while the permanent maintenance staff which was

about 2,500 in 1957-58 has risen only to 6.500 in 1960. It seems to me, therefore, that a large amount of work is taken from the daily-rated employees on terms which are very unfavourable to them which really amounts to an unfair labour practice. The Board, itself, seems to have felt that what was being done was not fair because during the discussions between the Officers of the Board and the Representatives of the Union on 7th September 1965 as per Ext. W. 2(a) decided to recommend that this question of absorption of temporary labourers in the Mysore State Electricity Board be considered on the lines on which the Madras State Electricity Board had solved this problem as indicated in their Board Order—Proceedings MS. No. 236, dated 16th February 1959, reproduced below :—

> "Permanancy of Nominal Muster Roll Workers—About 5,000 Nominal Muster Roll workers will be absorbed into the Operation Subordinate Service within one year and a further two thousand Nominal Muster Roll workers in the succeeding period of two years. The absorption during 1959 will be on a phased programme of about 400 or 450 workers per month so that 5,000 workers will be absorbed within the calendar year. The absorption of the workers should be in the order of Seniority subject to suitability."

In 1961 I LLJ 649, the Supreme Court has stated that the proper construction of the definition of a "Permanent" workman "in the standing orders would be" A workman engaged on a work of permanent nature which lasts throughout the year and who has completed his probationary period, if any, not being one engaged to fill in a temporary need of extra hands of permanent jobs, that is for example in leave vacancies". The Model Standing Orders also defines a permanent workman as a workman who has been engaged on a permanent basis and includes any person who has satisfactorily completed a probationery period of three months in the same or another occupation in the industrial establishment including breaks due to sickness, accident, leave, lock-out, strike or involuntary closure of the establishment. In the instant case, as stated before and according to the evidence adduced by the I Party, the work shown in the General Department as against the construction Department, is of a permanent nature lasting throughout the year. As a matter of fact some of these daily-rated workers have been in continuous employment of the Board eversince its inception in 1957. Some of the clerical staff have also been in continuous service for a number of years even drawing the annual increments and getting all the benefits which are given to the permanent employees. Apart from the evidence of the I Party, the evidence adduced by the Management itself shows that the work done by these temporary employees are of permanent nature. Sri Anthony Periera who is the Executive

Engineer in the II Party-Board, states that in his opinion the number of permanent workmen are insufficient to do all the maintenance work and there are targets for rural electrification and Irrigation Pumps Schemes and as the activities of the Board are increasing year by year it will take a minimum of 20 years to electrify all the rural villages.

27. We will next consider how this problem of absorption of temporary workers has been solved in other public concerns. According to the Madras Electricity Standing Orders, a temporary workman who has been specially recruited in connection with the operation, maintenance and distribution works, shall be eligible for the benefits of the permanent workman under the Standing Orders, after he completed one year's service as per Rule 3 in Ext. W. 43. Under the Standing Orders for workmen under the K.G.F. undertakings, if a temporary workman continues for more than 3 consecutive months, he shall be entitled to the privileges and benefits accruing to the permanent workmen. It is unnecessary to repeat that the evidence shows that the daily-rated employees side by side work with the permanent employees of the Board in operation, maintenance and distribution of Electricity under Chief Engineer (General). Therefore, they are entitled to be deemed as permanent if they worked for 240 days within one calendar year.

28. The next question for consideration is how these daily-rated employees have to be absorbed into the permanent cadre. As stated before there are 13,500 temporary employees of which probably about 2,500 are working under Chief Engineer (Construction). Excluding them, there will be about 11,000 daily-rated employees who have to be absorbed as permanent workmen. The procedure followed by Madras Electricity Board is to have a phased programme of absorption under an Agreement between the Madras State Electricity Board and the representatives of the Tamilnad Electricity Workers Federation. One of the terms of which is that about 5,000 nominal muster roll workers will be absorbed into operation subordinate service within one year and a further 2,000 in succeeding two years. It must however, be remembered that the Agreement came into effect as early as 1959, probably within a few years after the inception of Madras State Electricity Board. Adopting a similar formula for the temporary labourers and also for the temporary clerical staff, the absorption can be made of 50 per cent of the temporary daily-rated employees within six months and 50 per cent of the remaining in another six months' time and the balance within six months thereafter, so that the entire absorption can be effected within a period of 1½ years subject of course to the above conditions, *viz.*, that they should have worked for 240 days in a year and according to seniority and suitability the fitment being according to the corresponding posts without loss of emoluments.

29. My findings on the other Issues are as follows :—

1. The temporary employees are not entitled to benefits of enhanced Dearness Allowance under the Agreement dated 30th March 1962.

2. The Policy of the Board was not to extend the benefit of the enhanced Dearness Allowance to the temporary employees of the Board.

3. The workmen of the Mysore State Electricity Board justified in demanding the enhanced Dearness Allowance to the temporary employees of the Mysore State Electricity Board irrespective of the fact that under the terms of the Settlement, dated 30th March 1962 arrived at between the Management of the Mysore State Electricity Board and the employees union, the said benefits have not been extended to them.

4. The temporary employees are entitled to the enhanced Dearness Allowance granted to the Permanent employees.

5. The next question is the date the enhanced Dearness Allowance should be given effect to. The Reference is dated 27th October 1965, but it appears that they were given some relief by enhancing the consolidated wages for the period upto 31st March 1966. The present order regarding the Dearness Allowance should, therefore, come into force as and from 1st April 1966 which will be the beginning of the Financial year 1966-67. The Reference is, therefore, only with regard to the Dearness Allowance and not with regard to the wages and hence the consolidated wages mentioned in the Settlement has to be taken and to it the Dearness Allowance as given to the permanent employees be added less what the permanent employees got at the time of the consolidation of wages as Dearness Allowance because it must be remembered that while the entire Dearness Allowance was merged with the consolidated wages in respect of the Daily-rated employees and in the case of the permanent employees, only a portion of Dearness Allowance was merged. Hence that portion of Dearness Allowance which was not merged with the consolidated wages of the permanent workers must be deducted in calculating the Dearness Allowance for the temporary employees.

30. In the result, I make the following AWARD :—

1. That the management do pay to the daily-rated employees of the Mysore State Electricity Board the Dearness Allowance from 1st April 1966 and consolidated wages as contem-

plated in the Memorandum of Settlement dated 30th March 1962 the Dearness Allowance at the following rates :—

		From 1st *April* 1966	*From* 1st *January* 1967
		Rs.	Rs.
Below Rs. 90 per month	..	28	37
Rs. 90 to 109 per month	..	45	55
Rs. 110 to 149 per month	..	45	60
Rs. 150 to 209 per month	..	50	70
Rs. 210 to 399 per month	..	61	90

If they had been paid a higher consolidated wages from 1st April 1966 then what was fixed under the Settlement dated 30th March 1962, the increase in the consolidated wages will be deducted from the Dearness Allowance payable to them under this award.

2. The daily-rated employees working under the Chief Electrical Engineer (General) will be absorbed according to their seniority into the permanent cadre provided they have put in 240 days service in one calendar year and they are found suitable by the Management in the following phased programme :—

Fifty per cent of the daily-rated employees as well as the tentative clerical staff and supervisory will be absorbed into the permanent cadre within a period of six months from the date this Award becomes enforceable. Fifty per cent of the remaining daily-rated employees and tentative clerical and supervisory staff will be absorbed within a period of six months thereafter, the remaining daily-rated employees tentative clerical and supervisory staff to be absorbed within the next six months after the absorption of the second group. They may be fitted to the corresponding posts without loss of emoluments. This order will apply only to the daily-rated employees under the Chief Engineer (General) and not to those working under Chief Engineer (Construction).

The demand regarding the proportion of promotion of Graduates and non-graduates to the posts of Assistant Engineers is rejected.

As each party has suceeded in part, each party is directed to bear its own costs.

V. C. RAMACHANDRAN,
Presiding Officer,
Additional Industrial Tribunal,
Bangalore.
17*th October* 1967.

P.R. 1301

ORDER

Bangalore, dated the 21st October 1967

S.O. 2017. WHEREAS by State Government Orders No. (i) PLM 323 LLD 65, dated 21st October 1965, (ii) PLM 323 LLD 65, dated 25th February 1965 and (iii) LMA 20 LLD 66, dated 18th April 1966, the Industrial Disputes between the Workmen and the Management of Mysore State Electricity Board, Bangalore were referred to the Industrial Tribunal, Bangalore for adjudication;

AND WHEREAS by G.O. No. LMA 595 LLE 66, dated 29th November 1966, the disputes were transferred to A.I.T., Bangalore;

AND WHEREAS Additional Industrial Tribunal, Bangalore has submitted to the State Government its common award in respect of the said Industrial Disputes.

NOW THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. FCL 20 LLD 66.]

By Order and in the name of the Governor of Mysore,

G. G. PUROHIT,

Under Secretary to Government,
Food, Civil Supplies and Labour Department (Labour).

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PART IV

Section 2-C—(ii)

STATUTORY ORDERS ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS.

GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR)

Labour Dispute.—Industrial Dispute between the Workmen and the Management of Canara Workshop Ltd., Mangalore.

Award of the Industrial Tribunal, Bangalore—Published.

Read the following papers :—

(i) Letter No. I.T. 1017-18/67-68, dated 4th October 1967, from Shri A. Panchaksharaiah, Presiding Officer, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Dated 30th September 1967.

Present:

Shri A. Panchaksharaiah, B.A. (HONS.), LL.B., ... *Presiding Officer.*

I. D. No. 198 of 1966.

I Party		*II Party.*
Workmen of Canara Workshops Ltd., Mangalore.	*Vs.*	Th Management of Canara Workshop, Ltd., Mangalore.

I.D. No. 8 of 1967.

The Workmen of Canara Workshops Ltd., Mangalore.	The Management of Canara Workshop Ltd., Mangalore.

Appearances :

For the I Party :—I-A. Sri Vittal Shetty, Treasurer, I.N.T.U.C, Mangalore.

I-B. Sri Srinivasan, Secretary. S. K. Automobile and Engineering Work rs' Union, Maidan Road, Mangalore, S. K.

For the II Party:—K. Sashidhar Rao, B.A., LL B , President General Managements' Association, Mangalore, S. K.

References

I. D. No. 198 of 1966 is referred by Government in their Order No. LMA 586 LLD 65, dated 20th/23rd December 1966.

I. D. No. 8 of 1967 is referred by Government in their Order No. LMA 32 LLD 67, dated 2nd February 1967.

These two disputes are between the Workmen and the Management of Canara Workshop. Ltd., Mangalore. In both these disputes, the Management of Canara Wo·k-hop, Ltd., is the II Party while the workmen repres·nted by the Secr·tary, . Karnataka Automobile and Engineering Workers' Union, Mangalore, is I Party The reference in I. D. No. 198 of 1966 is made by the Government in their Order No. LMA 586 LLD 66, dated 20th/23rd December 1966 and I.D No 8 of 1967 is made by the Government in their Order No. LMA 32 LLD 67, dated 2nd February 1967, under Section 10 (1) (d) of the Industrial Disputes Act, 1947. In I.D No. 198 of 1966, the d m·nd of the workmen is with regard to the House Rent Allowance at the rate of Rs. : 0 per worker per month from 1st January 19· 6. wh·reas in I. D No. 8 of 1967. the di·pute is with regard to the d· mand for the introduction of gratuity sch·me at the rate of ·ne month's salary (Basi D. A.) per each year of service on retirement, termination of service, discharge or r·signation on medical grounds. dismissal and voluntary resignation and death. The den and with r·gard to House Rent Allowance nade by the workers in I. D. No. 198 of 1966 was regi·tered as I. D. No. 198 of 1966 whereas the Demand with regard to institution of Gratuity Scheme is regietered as I. D. No. 8 of 1967.

2 The workmen filed their claim in I. D. 198 of 1966 justifying their claim for House Rent Allowance and the II Party

Management disputed the claim of the I Party on various grounds. On the pleadings, two issues were framed in I. D. No. 198 of 1966. As the II party have taken the contention that this does not amount to an industr al dispute, the burden of proving that there existed an industrial dispute between the workmen and the management forms the sub ect matter of Issue No. 1. As the II party had also taken another contention that they do not have the required finaancial capacity to meet the demands of the workmen, the I party was called upon to prove that that the II party has the required financial capacity to prove that the II Party has the required financial capacity to meet the demands with regard to the House Rent Allowance at the rate of Rs. 20 per month.

3. In I. D. No. 8 of 1967 the I Party filed the claim statement through the Secretary of Karnataka Automobile and Engineering Worker's Union, Mangalore, justifying their claim for the introduction of the Gratuity Scheme as claimed by them. The II Party through their Managing Director have reputed the claims of the workmen for the institution of a Gratuity Scheme on the model suggested by the workmen. No fresh Issues apart from the one formulated in the Points of Dispute by the Government were framed.

4. Both the cases were posted for evidence to be recorded at Mangalore Camp on 25th September 1967. On 25th September 1967, both the Parties submitted that both the cases may be clubbed together and a common trial to be held and also took time to report settlement. On 27th September 1967, both the Parties filed a Joint Memo reporting settlement of both the disputes. Mr. K. Sashidhar Rao appeared for the II Party in both these cases and has signed the Memo. On behalf of the I Party, Sri Srinivasan, Secretary of the Union and Mr. C. A. Vittal Shetty, the Counsel for the I Party-B, have signed the Memorandum of settlement. According to the representation made by both the Parties that in view of some concessions made by the II Party to the I Party workmen, these two disputes were not pressed by the Parties, but however, the parties requested for an award being passed in terms

of the Joint Memo. Accordingly, I pass an Award in terms of the Joint Memo and the Joint Memo itself will form a part of the Award. Each Party will bear its own costs.

A. PANCHAKSHARIAH,

Presiding Officer,

Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Case Nos. I.D. 198 of 1966 and
I.D. No. 9 of 1967.

Between

The Workmen of M/s. Canara Workshops Ltd., Mangalore
... *I Party*

and

The Management of M/s. Canara Workshops Ltd , Mangalore
II Party.

JOINT MEMO.

The Parties hereto have settled their disputes amicably between themselves and it is agreed that an Award be passed in the following terms :—

1. **That the workmen including the temporary workers who have completed six months service of the II Party be given increment ranging from minimum of 25 paise to maximum of 40 paise per day with effect from 1st day of August 1967 in consideration of which the above disputes are not pressed by the I Party.**
2. **The arrears of increment be paid on or before 15th October 1967.**
3. **That there be no order as to costs.**
4. **Prays therefore an award be passed accordingly.**

Dated at Mangalore, this 27th day of September 1967.

(Sd.) A Vittal Shetty.

(Sd.) K. Shashidhar Rao. **(Sd.) Srinivasan.**

For Second Party. ***For First Party.***

"TRUE COPY "

A. PANCHAKSHARAIAH,
Presiding Officer,
Industrial Tribunal, Bangalore.

ORDER.

Bangalore, dated 10th October 1967.

S. O. 2053.—WHEREAS by State Government Order No. LMA 586 LLD 66, dated 23rd December 1966, LMA 32 LLD 67, dated 2nd February 1967, the Industrial Dispute between the Workmen and the Management of Canara Workshop Ltd., Mangalore was referred to the Industrial Tribunal, Bangalore for adjudication;

AND WHEREAS the Industrial Tribunal, Bangalore has submitted to the State Government its award in respect of the said Industrial Dispute:

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 586 LLD 66. and LMA 32 LLD 67.]

By Order and in the name of the Governor of Mysore,

G. G. PUROHIT, *Under Secy.*

1275

GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR)

Labour Dispute.—Industrial Dispute between the Workmen and the Management of M/s. B. N. S. Motor Service, Mangalore.

Award of the Labour Court, Hubli—published.

Read the following papers.—

(1) Letter No. 1453/67-68, dated 30th September 1967 from Shri Syed Azizuddin Ahmed, Presiding Officer, Labour Court, Hubli.

IN THE LABOUR COURT AT HUBLI.

Dated 30th September 1967.

Reference (I D) (LCH) No. 34 of 1967.

Present :

Shri Syed Azizuddin Ahmed, M.A., B. L., ... *Presiding Officer.*

Between

The Workmen of M/s. B.N.S, Motor Service, Mangalore represented by the Secretary, Karnataka Automobile and Engineering Workers' Union, Maidan Cross Road, Mangalore-1.
... *I Party.*

and

The Management of M/s. B.N.S. Motor Service, Mangalore.
... *II Party*

This is a reference U/s 10 (1) (c) of the Industrial Disputes Act, 1947 made by the Government of Mysore in their Order No. LMA 255 LLD 67, dated 25th April 1967. The points of dispute referred for adjudication are as under :—

I. Are the Management of Messrs. B.N.S. Motor Service, Mangalore, justified in terminating the services of Sri K. Kanthappa, Fitter, from 3rd September 1964?

II. If not, to what relief the worker is entitled?

2. The cause of the aggrieved workman has been sponsored and espoused by the Karnatak Automobile and Engineering Union, Maidan Cross Road, Mangalore represented by its Secretary. In response to the notices issued by the Court, the parties have filed their pleadings, dated 23rd May 1967 and 3rd June 1967 respectively. Sri T. P. Rao appeared for the I Party while Sri W. R. Sunita appeared for the II Party.

3. The points of dispute specified in the order of reference were adopted as issues in the case. It is hardly necessary for me to describe the pleadings in detail. The II Party examined one witness. At this stage, Sri T. P. Rao, the learned representative of the I Party filed a memo seeking the withdrawal of the dispute. The same was duly verified by me.

AWARD

The reference is rejected in view of the withdrawal memo filed by the representative of the I Party. The parties shall bear their own costs.

SYED AZIZUDDIN AHMED,
Presiding Officer
Labour Court, Hubli

Date: 30-9-1967.
Place: Hubli

ANNEXURE

Reference (ID) (LCH) No. 34 /1967

Witnesses examined for I Party
Nil

Witnesses examined for II Party
M.W.1 Sri A. Gangadhar S/o B. Narasappa.

Documents marked for I Party
Nil

Documents marked for II Party
Nil

ORDER.

Bangalore, dated 20th October 1967.

S. O. 2054.—WHEREAS by State Government Order No. LMA 255 LLD 67, dated 25th April 1967, the Industrial Dispute between the Workmen and the Management of M/s. B. N. S. Motor Service, Mangalore was referred to the Labour Court, Hubli for adjudication;

AND WHEREAS the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 255 LLD 67.]

By Order and in the name of the Governor of Mysore,

1322 G. G. PUROHIT, *Under Secy.*

GOVERNMENT OF MYSORE.

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR).

Labour Dispute:—Industrial Dispute between the Workmen and the Management of Sri Ramachandar Vithoba Rangadal, Sandal Galli, Gulbarga.

Award of the Labour Court, Hubli—published.

Read the following papers:—

(i) Letter No. 1461/67-68, dated 5th October 1967 from Shri Syed Azizuddin Ahmed, Presiding Officer, Labour Court, Hubli.

IN THE LABOUR COURT AT HUBLI.

Dated 5th October 1967.

Reference (IB) (LCH) No. 74 of 1966

Present:

Sri Syed Azizuddin Ahmed, M.A., B.L., ... *Presiding Officer*.

Between:

The Workmen of Sri Ramachandar Vithoba Rangadal, Sandal Galli, Gulbarga represented by the Secretary, Gumasta Sangh, Gulbarga. ... *I Party*.

and

The Management of Sri Ramachandar Vithoba Rangadal, Sandal Galli, Gulbarga. ... *II Party*.

This is a reference under Section 10 (1) (c) of the Industrial Disputes Act, 1947, made by the Government of Mysore in their Order No. LMA 513 LLD 66, dated 26th November 1966. The points of dispute referred for adjudication are as under:

Is the Management of Sri Ramachandar Vithoba Rangadal, Sandal Galli, Gulbarga, justified in terminating the services of Sri Sharanayya S/o Veerayya Swamy from 1st December 1965?

If not, is he entitled to reinstatement with back wages and continuity of Service?

2. The cause of the aggrieved workman has been sponsored and espoused by the Gumasta Sangh, Gulbarga, represented by its Secretary, Sri Siddramappa, Secretary appeared f r the I Party while Sri Ramachandar Vithoba Kangadal Proprietor appeared for the II Party. In resp nse to the notices issued by the Court, the parties have filed their pleadings dated 20th December 1966 and 24th July 1967 respectively.

3. The case of the I Party is that Sri Sharanayya, the aggrieved workman was working as a Gumasta under the II Party from 10th January 1921 to 1st December 1965 on which date his services were terminated. He was drawing a salary of Rs. 100 p.m. at that time. The II Party terminated the services of the aggrieved workman without giving him any notice and without holding an enquiry. The action of the management is unilateral, unreasonable and illegal. It was prayed that he may be reinstated in his post and he may be given the arrears of salary and other benefits detailed in the claim statement.

4. The II Party contested the claim of the I Party. The stand of the II Party is that Sri Sharanayya left the job of his own will in April 19 1. Thus, there was no question of terminating his services on 1st December 1965. The points of dispute specified in the order of reference were adopted as issues in the case. The proprietor of the II Party examined himself and closed his oral evidence while two witnesses including the aggrieved workman were examined by the I Party. The I Party got marked as exhibits three documents.

FINDINGS.

5. Ramachandar, M.W. 1 is none other than the proprietor himself. He deposed that in the year 1960, the aggrieved workman worked with him temporarily for about 3 or 4 months. He had entrusted him with Rs 18,000 near about for supplying articles to the Jail, himself being a Jail Contractor. Sri Sharanayya left his service of his own accord and joined Dattatraya Trading Company. He has not accounted for the amount entrusted to him up till now.

6. In rebuttal, Sri Sharanayya, W.W.1 deposed that he had worked with the II Party for abont 44 years. When he asked the proprietor to pay him his salary, the latter asked him to go sway

from the job, Sri Gurushantappa, W.W.2 has a different story to tell. He deposed that Sri Sharanayya fell ill for about two months two years ago. After recovery, he came and told him that he had gone to the II Party for service and the latter had refused to entertain him in service. This is a case of the parties trying to outwit one another. Whether the proprietor had entrusted him with Rs. 18,000 or not is a moot-point. The question that arises for determination is whether the proprietor had dispensed with the services of the aggrieved workman from 1st December 1965. The aggrieved workman of his own admission has served the management for 44 years. His age as per his statement is 62 years but he appeared still older. I found him a weak and emaciated person with one eye permanently damaged. He has already reached the age of superannuation. It would be highly unreasonable to ask the management to reinstate such a workman. The story set up by him that the management had dispensed with his services from 1st December 1965 is highly incredible.

7. In view of the glaring discrepancy appearing in his statement and that of his witness, it is hard to believe that the proprietor would have asked him to go away jobless for no reason when the workman had put in such a length of service. There is nothing worthwhile in the three documents filed by him. They do not support his claim in the least. There is not an *iota* of witness to hold that the management did not pay him salary for the year 1964 65 and 1965-66. The point of dispute is decided in favour of the II Party.

AWARD

There is nothing to say that the management of Sri Ramachandar Vithoba had terminated the services of Sri Sharanayya S/o Veerayya Swamy from 1st December 1965. The question of his reinstatement with back wages and continuity of service does not arise. He is not entitled to any of these reliefs. The parties shall bear their own costs.

Place : Hubli

Date : 15-10-1967

SYED AZIZUDDIN AHMED,
Presiding Officer,
Labour Court, Hubli

ANNEXURE

Reference (ID) (LCH) No. 74/1966

Witnesses examined for I Party

W.W. 1 Sharanayya Veerayya Swamy.
W.W. 2 Gurushantappa Channabasappa Shahabad.

Witnesses examined for II Party

M.W 1 Ramachandar Vithoba Rangadal.

Documents marked for I Party

Exhibits :—

W1 Bill of K M. Jadhav, Bijapur, dated 6-10-1959.
W2 Application of Sri S. S. Rangji, dated 24-7-1967.
W3 Supply list dated 1-8-1958.

Documents marked for II Party

Nil

Place : Hubli

Date : 5-10-1967

SYED AZIZUDDIN AHMED,
Presiding Officer
Labour Court, Hubli.

ORDER

Bangalore, dated 21st October 1967.

S. O. 2055.—WHEREAS by State Government Order No. LMA 513 LLD 66, dated 26th November 1966. the Industrial Dispute between the Workmen and the Management of Sri Ramachandar Vithoba Rangadal Sandal Galli, Gulbarga was referred to the Labour Court, Hubli for adjudication ;

AND WHEREAS the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore is pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 513 LLD 66.]

By Order and in the name of the Governor of Mysore,
G. G. PUROHIT, *Under Secy.*

GOVERNMENT OF MYSORE

[FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR)]

Labour Dispute.—Industrial Dispute between the Workmen and the Management of M/s. Jayaram Tile Works, Baloor, Mangalore.

Award of the Labour Court, Hubli—Published.

Read the following papers :—

(1) Letter No. 1470/67-68, dated 7th October 1967, from Shri Syed Azizuddin Ahmed, Presiding Officer, Labour Court, Hubli.

IN THE LABOUR COURT AT HUBLI.

Dated : 7th October 1967.

Reference.

(ID) (LCH) No. 42 of 1967.

Present :

Shri Syed Azizuddin Ahmed M.A., B.L., ... *Presiding Officer.*

Between :

The Workmen of M/s. Jayaram Tile Works, Boloor, Mangalore represented by The Secretary, South Kanara Tile Workers, Union, Bolar, Mangalore. ... *I Party*

and

The Management of M/s. Jayaram Tile Works, Boloor, Mangalore. ... *II Party*

This is an industrial dispute between the Workmen and the Management of M/s. Jayaram Tile Works, Boloor Mangalore raised by the Secretary, South Kanara Tile Workers' Union, Boloor, Mangalore. The Government of Mysore in their Order No. LMA 836 LLD 67, dated 6th June 1967, in exercise of the powers conferred upon them under Section 10 (1) (c) of the Industrial Disputes Act, 1947, referred the same to this Court for adjudication, the points of dispute being.

I. Is the Management of M/s. Jayaram Tile Works, Bolcor Mangalore, justified in refusing employment to Sri Kunhanna Shetty with effect from 11th November 1965?

II. If not, to what other relief is the worker entitled?

2. Sri Srinivas appeared for the I Party while Sri D. S. Somashekhar Alva, advocate appeared for the second. In response to the notices issued by the Court, the parties have filed their pleadings dated 10th July 1967 and 7th August 1967 respectively.

3. The case of the I Party is that Sri Kunhanna Shetty, the aggrieved workman was employed with the II Party. On 11th November 1965, the proprietor of the II Party asked the aggrieved workman to do work other than his usual work and when he refused to do the same, he abused him in a filthy language and refused him employment itself. The action of the II Party besides being arbitrary, is unjust and illegal. It was prayed that he may be reinstated with full back-wages.

4. The II Party contested the claim statement. It maintained that the II Party never refused employment to the aggrieved workman. He himself did not report to work from 11th November 1965. It is false that the proprietor had abused him in filthy language. The points of dispute specified in the order of reference were adopted as issues in the case. The I Party examined one witness while the II Party examined two witnesses and closed their oral evidence. The I Party got marked two documents as exhibits while no documents were filed on behalf of the II Party.

FINDINGS

5. The principal point that arises for determination is whether the management had refused employment to the aggrieved workman with effect from 11th November 1965. Ramaiah Shetty M. W. 1 deposed that he is working in the II Party concern since last 18 years. Kunhanna Shetty is not coming to the factory of the II Party since last one year and 9 months. The II Party did not refuse him work. Kunhanna Shetty had worked in the factory for about 8 years. There is no enemity between him and

Kunhanna Shetty. D. A Maben, M. W. 2 is a Mechanic in the II Party. He deposed that he is working there since last 18 years. Kunhanna Shetty is not attending the factory since last 21 months. The II Party never abused him and did not refuse him work.

6. In rebuttal, Kunhanna Shetty, W. W 1 deposed that he used to polish the tiles in the factory of the II Party D. A. Maben, M. W 2 asked him to carry slabs from the engine. He refused to do the work because it was strenuous to his capacity. Thereupon, he told him that he would teach him a lesson. The next day, the proprietor approached him and asked him to perform the work which M. W. 2 had asked him to do He wept and told the proprietor that it was too heavy for him. The proprietor asked him to carry two or three loads at least to honour the words of M. W. 2. He carried two loads and on the third trip he fell down. He reported his fall to the proprietor, who was in his office. The latter abused him and asked him not to work any more. He said go away from the premisess and pluck the hair of the genital organ.

7. On a balancing of the parties' evidence, I find the deposition of the aggrieved workman thoroughly unreliable. The story that has been put forward in the Court is different from story that has been set up in the claim statement. In the claim statement it has been stated that the proprietor asked the aggrieved workman to do work other than his usual work. In the sworn testimony it has been tried to make out that the aggrieved workman used to polish the tiles and that the mechanic had asked him to carry the slabs from the engine. Again in his sworn statement, the aggrieved workman stated that the proprietor had asked him to carry at least two or three loads to honour the words of the mechanic. In order to instil the sense of discipline in the workmen of the factory, it was not wrong on the part of the proprietor to ask the aggrieved workman to carry two or three loads to honour the words of the mechanic. The behaviour of the aggrieved workman was certainly objectionable. On his own admission, he carried two loads and on the third trip he fell down with the load. I am sure the load could not have been so heavy as to make him fall. If the mechanic or the proprietor had beenso cruel as to ask him to carey load beyond his capacity, no wonder that all the workmen in the factory would have pounced up n the mecnanic and the proprietor and torn them to pieces. I understand that there are about 125 workmen working in the factory.

The I Party could not examine a single witness to corroborate the testimony of W. W 1. When the aggrieved workman had carried out the woros of the proprietor, I do not see the reason why he should have got wild and abused him.

8. On over all consideration of the entire material on record and on a balancing of the oral evidence in the case, I am inclined to take the view that the aggrieved workman, having refused to do the work asked by the mechanic, voluntarily gave up the job. There was nothing wrong in the mechanic asking him to carry the slabs from the engine for, the aggrieved workman has admitted during the course of his cross examination that when there was no sufficient work in his section, he would be assigned some other work. The points of dispute are decided against the I Party.

AWARD.

From the material on record it transpires that the aggrieved workman had voluntarily abstained from attending to his work from 11th November 1965. In view of this, he is not entitled to any relief. The parties shall bear their own costs.

Place: Hubli

Date: 7th October 1967.

SYED AZIZUDDIN AHMED,
Presiding Officer
Labour Court, Hubli.

ANNEXURE

Reference (ID) (LCH) No. 42/1967

Witnesses examined for I Party

W. W. 1 Kunhanna Shetty S/o Koraga Shetty

Witnesses examined for II Party

M. W. 1 Ramiah Shetty S/o Nanayanna Shetty
M. W. 2 D. A. Maben S/o Simpson Maben

Documents marked for I Party

Exhibits:

W.—1 Letter dated 11th November 1965 from I Party to II Party
W—2 Conciliation proceedings dated 13th February 1967.

Documents marked for II Party

Nil

Place: Hubli

Date: 7th October 1967.

SYED AZIZUDDIN AHMED
Presiding Officer
Labour Court, Hubli.

ORDER.

Bangalore, dated 31st October 1967.

S.O. 2956.—WHEREAS by State Government Order No. LMA 336 LLD 67, dated 6th June 1967 the Industrial Dispute between the Workmen and the Management of M/s Jayaram Tile Work, Baikor, Mangalore was referred to the Labour Court, Hubli for adjudication.

AND WHEREAS the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore, are pleased to direct the publication of the said Award as above, in the *Mysore Gazette*.

[No. LMA 336 LLD 67.]

By Order and in the name of the Governor of Mysore,

1327 G. G. PUROHIT, *Under Secy.*

GOVERNMENT OF MYSORE.

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR).

Labour Disputes.—Industrial Dispute between the Workmen and the Management of St. Joseph's Asylum Industrial Workshops Mangalore

Award of the Labour Court, Hubli—Published.

Read the following papers —

(1) Letter No 1450/67-68, dated 30th September 1967 from Shri Syed Azizuddin Ahmed, Presiding Officer, Labour Court, Hubli.

IN THE LABOUR COURT AT HUBLI.

Dated 30th September 1967.

Reference

(ID) (LCH) No 4 of 1967.

Present:

Shri Syed Azizuddin Ahmed, M.A., B.L. Presiding Officer.

Between:

The Workmen of St. Joseph's Asylum Industrial Workshops, Mangalore represented by the Secretary, Kanara Motor and Engineering Workers' Union, Felix Pai Bazar, Mangalore-1.

... *I Party.*

and

The Management of St. Joseph's Asylum Industrial Workshops, Mangalore-2.

... *II Party.*

This is a reference under Section 10 (1)(c) of the Industrial Disputes Act, 1947, made by the Government of Mysore in their Order No. LMA 658 LLD 66, dated 23rd January 1967. The points of disputes referred for adjudication are as under:—

(1) Is the Management of St. Josephs' Asylum justified in refusing to pay bonus to Sri Ignatius. Monterio for the years 1961-62, 1962-63 and 1963-64 and 1964-65?

If not, to what years and what quantum of bonus is the worker entitled?

(2 Is the Management of St. Joseph's Asylum justified in refusing to pay gratuity benefits at the time of

2. The cause of the aggrieved workman has been sponsored and espoused by the Kanara Motor and Engineering Workers' Union. Felix Pai Bazar, Mangalore represented by its Secretary. In response to the notices issued by the Court, the parties have filed their pleadings, dated 23th February 1967 and 9th March 1967 respectively.

3. I need not describe the pleadings in detail for the reason that when the case was taken up for hearing at Mangalore camp on 22nd September 1967, the aggrieved workman Sri Ignatius Monterio appeared in person and stated that the dispute has been settled out of Court and he does not press the same. He was identified by Sri Govindan, Secretary of the Union. Sri T. S. Pai was present fro the II Party.

AWARD

The reference is rejected in view of the settlement out of Court. The parties shall bear their own costs.

SYED AZIZUDDIN AHMED,
Presiding Officer,
Labour Court, Hubli.

Date: 30-9-1967.
Place: Hubli.

ORDER.

Bangalore, dated 21st October 1967.

S. O 2057.— WHEREAS by State Government Order No. LMA 668 LLD 66, dated 23rd January 1967, the Industrial Dispute between the Workmen and the Management of St. Joseph's Asylum Industrial Workshops Mangalore was referred to the Labour Court, Hubli for adjudication

AND WHEREAS the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, In exercise of the powers conferred by Section 17 of the Industrial Disputes Act 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above in the *Mysore Gazette*.

[No. LMA 668 LLD 66.]

By Order and in the name of the Governor of Mysore,

1328 G. G. PUROHIT, *Under Secy.*

GOVERNMENT OF MYSORE.

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR)

Labour Dispute:—Industrial Dispute between the Workmen and the Management of Sri C. L. Pinto, Lorry owner, Lorry No. 5361, Bejaji, Mangalore.

Award of the Labour Court, Hubli Published.

Read the following Papers:—

(1) Letter No. 145/67-68 dated 30th September 1967. from Shri. Syed Azizuddin Ahmed, Presiding Officer, Labour Court, Hubli.

IN THE LABOUR COURT AT HUBLI.

Dated 30th September, 1967.

Reference (ID) (LCH) No. 24 of 1967.

Present:

Sri Syed Azizuddin Ahmed, M.A., B.L ... *Presiding Officer.*

Between:

The Workmen of Sri C. L. Pinto, Lorry Owner, Lion Motors, Lorry No. MYX 5361 Bejaji, Mangalore, represented by The Secretary, Karnatak Automobile and Engineering Workers' Union, Mangalore ... *First Party.*

and

The Management of Sri C. L. Pinto, Lorry Owner, Lion Motors, Lorry No. MYX 5361 Bejaji, Mangalore.

... *Second Party.*

This is a reference U/s 10 (1) (c) of the Industrial Disputes Act, 1947 made by the Government of Mysore in their Order No. LMA 23 LLD 67, dated 15th February, 1967. The points of dispute referred for adjudication are as under:

I. Is the Proprietor of Lion Motors, Bejaji, Mangalore justified in terminating the services of Sri Narayana, driver with effect from 6th July 1966.

II. If not is the worker entitled to reinstatement with full back wages and continuity of service or to any other relief.

2. The cause of the aggrieved workmen has been sponsored and espoused by The Karnatak Automobile and Engineering Workers, Union, Mangalore represented by its Secretary. The I Party has filed its Claim Statement while no Counter statement has been filed by the II Party.

3. Sri T. P. Rao, Secretary appeared for the I Party There is no one present on behalf of the II Party. When the case was taken up for hearing at Mangalore camp on 23rd September 1967 Sri T. P. Rao, the learned representative of the I Party filed a memo stating seeking withdrawal of the dispute. The same was duly verified by me.

AWARD

The reference is rejected in view of the withdrawal-memo filed by the representative of the I Party. No order as to costs.

Place : Hubli
Date : 30-9-1967

SYED AZIZUDDIN AHMED
Presiding Officer,
Labour Court, Hubli.

ORDER.

Bangalore, dated 21st October 1967.

S. O. 2058.—WHEREAS by State Government Order No. LMA 23 LLD 67, dated 15th February 1967, the Industrial Dispute between the Workmen and the Management of Sri C. L. Pinto, Lorry owner, Lorry No. 5361. Bejai, Mangalore was referred to the Labour Court, Hubli for adjudication :

AND WHEREAS the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute ;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 23 LLD 67.

By Order and in the name of the Governor of Mysore,

1829 G. G. PUROHIT, *Under Secy.*

GOVERNMENT OF MYSORE.

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR)

Labour Dispute :—Industrial Dispute between the Workmen and the Management of Mangalore Press, Mangalore (Car Street).

Award of the Labour Court, Hubli—Published.

Read the following papers :

(i) Letter No. 1459/67-68, dated 30th September 1967 from Shri Syed Azizuddin Ahmed, Presiding Officer, Labour Court, Hubli.

IN THE LABOUR COURT AT HUBLI.

Dated 30th September 1967.

Reference (ID) (LCH) No. 57 of 1967.

Present :

Shri Syed Azizuddin Ahmed, M. A., B. L., *Presiding Officer.*

Between :

The Workmen of Mangalore Press, Car Street, Mangalore represented by The Secretary, S. K. Press Workers' Union, Maidan Road, Mangalore-1. ... *I Party.*

and

The Management, Mangalore Press, Mangalore. ... *II Party.*

This is a reference under Section 10 (1) (c) of the Industrial Disputes Act, 1947 made by the Government of Mysore in their Order No FCL 176 LLD 67, dated 15th July 1967. The points of dispute referred for adjudication are as under.—

> Are the Management of Mangalore Press, Car Street, Mangalore justified in refusing to introduce the gratuity scheme in their establishments for the benefit of workers ?

(*a*) Are the Management of Mangalore Press, Mangalore, justified in retrenching the following workers :

(*a*) Sri Narayana Shriyani,

(*b*) „ U Rama Suvarna,

(*c*) „ Srinivas Kaikera,

(*d*) „ M. K. Ramachandra,

(*e*) „ Sadashiv Bangera.

(*b*) Are the Management justified in terminating the services of Sri Sadananda Kunder ?

If not, are the workers entitled to reinstatement ? or any other relief ?

(*c*) Are the workers justified in demanding an allowance of Rs. 20 p.m besides the usual increment ?

If not, to what other reliefs are the worker entitled ?

2. The cause of the aggrieved workmen has been sponsored and espoused by The South Kanara Press Workers Union, Mangalore represented by its Secretary. In response to the notices issued by the Court, the I Party sent a memo dated 16th August 1967 seeking withdrawal of the dispute When the case was taken up for hearing at Mangalore camp on 22nd September 1967 Sri Srinivas, representative of the I Party appeared before me and admitted the execution of the memo of withdrawal of the dispute. The same was duly verified by me.

AWARD.

The reference is rejected in view of the withdrawal memo filed by the representative of the I Party. The parties shall bear their own costs.

SYED AZIZUDDIN AHMED,
Presiding Officer,
Labour Court, Hubli.

Date : 30-9-1967.
Place : Hubli.

ORDER.

Bangalore, dated 21st October 1967.

S. O. 2059.—WHEREAS by State Government Order No. FCL 176 LLD 67, dated 15th July 1967, the Industrial Dispute between the Workmen and the Management of Mangalore Press, (Car Street) Mangalore was referred to the Labour Court, Hubli for adjudication.

AND WHEREAS the Labour Court has submitted to the State Government, its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. FCL 176 LLD 67.]

By Order and in the name of the Governor of Mysore,

1330 G. G. PUROHIT, *Under Secy.*

GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR).

Labour Dispute.—Industrial Dispute between the Workmen and the Management of M/s. Warner Transport Valencia, Mangalore.

Award of the Labour Court, Hubli—Published.

Read the following papers:

(1) Letter No. 1451/67-68, dated 30th September 1967 from Sri Syed Azizuddin Ahmed, Presiding Officer, Labour Court, Hubli.

IN THE LABOUR COURT AT HUBLI.

Date: 29th September 1967

Reference (ID) (LCH, No. 23 of 1967.

Present:

Sri Syed Azizuddin Ahmed. M.A., B.L. ... Presiding, Officer.

Between:

The Workmen of Warner Transport, Valencia, Mangalore-2 represented by the Secretary, Karnataka Automobile & Engineering Workers, Union, Maidan Cross Road, Mangalore.

... *I Party.*

and

The Management of M/s. Warner Transport Valencia, Mangalore-2.

... *II Party.*

This is a reference U/s. 10 (1) *(c)* of the Industrial Disputes Act, 1947, made by the Government of Mysore in their Order No. LMA 44 LLD 67, dated 15th February 1967. The points of dispute referred for adjudication are as under:—

I (a) Are the management of Warner Transport, Valencia, Mangalore justified in terminating the services of Sri M. Saldanha, Driver?

(b) If not, is the worker entitled to re-instatement with back-wages?

II Has the above management to pay arrears of salary of Rs. 984-83 to the said worker for the period from July 1964 to May, 1966?

2. The cause of the aggrieved workman has been sponsored and espoused by The Karnatak Automobile and Engineering Workers' Union, Mangalore represented by its Secretary. Sri T. P Rao, Secretary appeared for the I Party while Sri J. J V. Fernandis appeared for the II Party. In response to the notices issued by the Court the parties have filed their pleadings, dated 1st March 1967 and 9th April 1967 respectively. I need not describe the pleadings in detail for the reason that when the case was taken up for hearing at Mangalore camp on 23rd September 1967, the representatives of the parties filed a joint memo of settlement. The same was duly verified by me. As per the memo of settlement the II Party has agreed to pay a sum of Rs. 410 to the aggrieved workman on or before 25th October 1967 and the workman has accepted it in full and final settlement of his claims.

AWARD.

The reference is accepted. An award is made in terms of the settlement dated 23rd September 1967. The same be made a part of the award. The parties shall bear their own costs.

SYED AZIZUDDIN AHMED,
Presiding Officer,
Labour Court, Hubli.

Place: Hubli

Date: 29-9-1967.

ANNEXURE.

IN THE LABOUR COURT AT HUBLI.

I. D. L. C H. 23/67

Between:

The Workman of Warner Transport, Valencia, Mangalore 2 represented by the Karnataka Automobile and Engineering Workers' Union, Maidan Cross Road, Mangalore. ... *I Party.*

and

The Management of Warner Transport, Valencia, Mangalore-2. ... *II Party*

Joint-Memo

The parties to the above dispute submit as follows :—

That they have settled the matter out of Court and the II Party has agreed to pay a sum of Rs. 440 (Rupees four hundred and forty only), to the I Party workman and the payment has to be done on or before 25th October 1967 by the II Party to the I Party in full and final settlement of account.

Pray for orders accordingly and the award may be passed accordingly.

(Sd.)
II Party

(Sd.)
I Party
(T. P. Rao)
Secretary,
K. A. & E. W. Union,
Mangalore

Dated 23rd September 1967
Mangalore.

Sri T. P. Rao, Secretary of the I Party union and Sri J. J. V. Fernandis representative of the 2nd Party submitted before me the execution of this joint-memo. Hence verified. File.

(Sd.)
for I Party

(Sd.)
for II Party

(Sd.)
(Syed Azizuddin Ahmed)
23-9-67

SYED AZIZUDDIN AHMED,
Presiding Officer,
Labour Court, Hubli.

Date: 29-9 1967
Place: Hubli.

ORDER

Bangalore, dated 21st October 1967.

S.O. 2060.—WHEREAS by State Government Order No. LMA 44 LLD 67, dated 15th February 1967, the Industrial Dispute between the Workman and the Management of M/s. Warner Transport, Valencia, Mangalore was referred to the Labour Court, Hubli for adjudication.

AND WHEREAS the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 44 LLD 67.]

By Order and in the name of the Governor of Mysore,

1324 G. G. PUROHIT, *Under Secy.*

GOVERNMENT OF MYSORE.

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR).

Labour Dispute.—Industrial Dispute between the Workmen and the Management of Sri Krishna Rice & Saw Mills, Coondapur.

Award of the Labour Court, Hubli—Published.

Read the following papers :—

(1) Letter No. 230/67-68, dated 16th October 1967, from Shri,Syed Azizuddin Ahmed, Presiding Officer, Labour Court, Hubli.

IN THE LABOUR COURT AT HUBLI.

Dated this 16th day of October 1967.

Reference (ID) (LCH) No. 44 of 1967.

Present:

The Workmen of Sri Krishna Rice and Saw Mills, Coondapur represented by The General Secretary, Bharatiya Mazdoor Sangh Mangalore.

I Party.

and

The Management of Sri Krishna Rice and Saw Mills, Coondapur.

... *II Party.*

This is a reference U/s 10(1)(c) of the Industrial Disputes Act, 1947 made by the Government of Mysore in their Order No. LMA 339 LLD 67, dated 15th June 1967. The points of dispute referred for adjudication are as follows:

I. Are the management of Sri Krishna Rice & Saw Mill, Coondapur, justified in terminating the service of Sri U. Shiva Rao ?

II. If not, is the worker entitled to reinstatement with back wages or to any other reliefs ?

2. The cause of the aggrieved workman has been sponsored and espoused by the Bharatiya Mazdoor Sangh, Mangalore represented by its General Secretary, Sri Prabhakar Ghate appeared by the I Party while Sri K. S. Rao appeared for the

second. In response to the notices issued by the Court, the I Party has filed its claim statement, dated 5th July 1967 and the IInd its Counterstatement dated 15th July 1967.

3. The case of the I Party is that Sri U. Shiva Rao was employed as a foreman by the II Party on 16th November 1965 on a monthly salary of Rs. 125/-. The appointment was made with an assurance that his salary would be raised to Rs. 150/- after a period of two months. The actual designation of the aggrieved workman was that of a Clerk but mostly he performed the work of a foreman. The management refused him work on 30th August 1966 without any reasonable cause and without previous notice. They did not pay him salaries for the months of June, July and August, 1966. It was prayed that the aggrieved workman may be reinstated with full back-wages from 31st August 1966 and he may be paid the arrears of salary.

4. The case of the II Party is that the aggrieved workman was appointed temporarily as a Clerk on a monthly salary of Rs. 125/-. The Rice and Saw Mill is a seasonal business and practically the factory remains closed from about May up to the end of August. The aggrieved workman was never employed as a foreman. At the close of the season *i.e.*, on or about 21st May 1966 his temporary employment automatically came to an end and the management paid him Rs. 80/- on 21st May 1966 being the salary from 1st May 1966 to 20th May 1966 and a further sum of Rs. 45/- was paid to him *ex-gratia* in full and final settlement of his claim. The points of dispute specified in the order of reference were adopted as the issues in the case. The parties examined one witness each and filed the documentary evidence in their possession.

FINDINGS

The important point that arises for determination is whether the management was justified in terminating the services of the aggrieved workman from 30th August 1966. M. Laxman, M.W.1 is none other than the manager of the II Party concern. He deposed that the manufacturing process of the factory had begun from 12th November 1965. It is only a sawing factory. Sri U. Shiva Rao was employed for the season since the sawing process is a seasonal business. He used to do the work as a clerk *i. e.*, writing accounts etc. He had no technical knowledge to work as a Foreman. His account was settled as per Ex. M-1. He

was given job for some time as he had asked for it and the factory was functioning then. U. Shiva Rao, W. W. 1, the aggrieved workman admitted in his examination-in-chief that in all the sawing factories there is no sawing work during the rainy season. He used to write accounts, prepare the sawing list, sawing charges list and perform the foreman's duties of measuring of logs, giving the logs to the sawing section according to varieties and sizes and write the numbers. As usual he went to the factory on 30th August 1966 and started doing work. He began to write sawing book at that time, the Manager told him that the proprietor Mr. Nayak had said that his services were no more required. He did not give any reasons. The witness admits the execution of the receipt Ex. M-1 but maintained that the portion marked as Ex. M-1 (a) "Salary from 1st May 1966 to 20th May 1966 Rs. 80 and additional Rs. 45 paid as free and relieved him from the job from 21st May 1966 with all claims in full settlement" have been added. Ex. M-5 is his application for appointment. Herein he writes:

> "Being given to understand that there are vacancies for the posts of clerks, Accountant and Manager in your Saw Mill which is to be opened shortly at Maddugudde Road, Coondapoor. I beg to offer my services for one of them."

It is significant to note that there is no mention here of the post of foreman. It is indeed presumptuous on his part to say that he was employed as a foreman when he had not applied for a foreman's job. From the nature of duties described by him, it appears that he was working as a clerk only. The factory, being a seasonal factory, the appointment was only for the season. There seems to be much force in the argument of the learned representative of the II Party that the aggrieved workman was appointed temporarily during the sawing season. His services having been dispensed with from 21st May 1966, he cannot lay claim for salary after that period. The points of dispute are decided in favour of the II Party.

AWARD

The management of Sri Krishna Rice & Saw Mills, Coondapur is justified in terminating the services of Sri U. Shiva Rao. He is not entitled to reinstatement with back wages or to any other relief. The parties shall bear their own costs.

SYED AZIZUDDIN AHMED,

Place : Bangalore Camp — *Presiding Officer,*

Date : 16-10-67. — *Labour Court, Hubli.*

ANNEXURE

Reference

(ID) (LCH) No. 44 of 1967.

Witnesses examined for I Party

W.W 1 — U. Shiva Rao

Witnesses Examined for II Party

M.W. 1 — M. Lakshman

Documents marked for I Party

Exhibits:

W-1 — Copy of letter dated 31st August 1966 from W.W. 1 to II Party.

Documents marked for II Party

M-1 — Stamped receipt dated 21st May 1965 for Rs. 125/-- executed by W.W. 1.

M-2 — Reply dated 10th September 1966 from II Party to W.W. 1.

M-3 — Notice dated 29th October 1966 from A.L.C. Mangalore.

M-4 — Letter dated 9th November 1966 from II Party to A.L.C. Mangalore.

M-5 — Application dated 23rd August 1965 from W.W. 1 to II Party.

SYED AZIZUDDIN AHMED,
Presiding Officer,
Labour Court, Hubli.

Place: Bangalore Camp
Date: 16-10-1967.

ORDER.

Bangalore, dated 31st October 1967.

S. O. 2061.—WHEREAS by State Government Order No. LMA 339 LLD 67, dated 13th June 1967, the Industrial Dispute between the Workmen and the Management of Sri. Krishna Rice and Saw Mills, Coondapur was referred to the Labour Court, Hubli for adjudication;

AND WHEREAS the Labour Court, has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 339 LLD 67.]

By Order and in the name of the Governor of Mysore,

1325 G. G. PUROHIT, *Under Secy.*